

1. AREA OF PROPERTY: 5,705 AS1 or 252,430 S.F.
2. EXISTING ZONE: C-1
3. PROPOSED USE: 5 STORY OFFICE BLDG. 150' (10,030' FLOOR)
4. TOTAL PROPOSED GROSS FLOOR AREA: 150' (10,030' FLOOR)
5. NET LEASEABLE AREA: 80,000 S.F. (10,000' FLOOR AREA)
6. PARKING CALCULATIONS: 1ST FLOOR: 10,030' FLOOR: 63  
2ND THRU 5TH FLOORS: 74,120' FLOOR: 152  
TOTAL NO. OF PARKING SPACES PROVIDED: 215 (INC. 5 H.C. SPACES)
7. TOTAL NO. OF PARKING SPACES PROVIDED: 215 (INC. 5 H.C. SPACES)
8. IF MEDICAL OFFICES ARE TO BE LOCATED ON THE UPPER FLOORS, PARKING MUST BE PROVIDED 3 THE RATE OF 1 SPACE/300 S.F.
9. PAVING IN PARKING LOT TO BE BITUMINOUS CONCRETE
10. LIGHTING TO BE INSTALLED SO AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES

## PLANS APPROVED

OFFICE OF PLANNING &amp; ZONING

BY: *John J. Hagan*DATE: *7/2/81*BY: *John J. Hagan*DATE: *7/1/81*

80-2207

C-857-B1

STREET

EXIST. CONC. CURB

18'-00"

EXIST. PAVED SHOULDER

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"

EXIST. GRASS MEDIAN

18'-00"

EXIST. ROADWAY PAVING

18'-00"



MARKS • COOKE • SCHACK • THOMAS, INC.  
ARCHITECTURE / PLANNING / INTERIORS / URBAN DESIGN

219 WEST JOPPA ROAD • BALTIMORE, MARYLAND 21204 • (301) 823-6744

November 5, 1980

Messrs. Ted Burnham, and  
John Bryan, Fire Protection Engineer  
Baltimore County  
Plans Review Division  
Baltimore County Office Building  
Towson MD 21204

Re: Our Job No. 928  
Strickland Property  
Charles Street at Kenilworth  
5 story, ±94,000 sq. ft. gross

Dear Sirs:

Pursuant to our meeting of November 3, 1980 regarding the above project,  
I am writing to record the various items discussed.

- Item 1 - re: State Hi-Rise Law - If building exceeds 75' in height from lowest floor level exposed to grade to top of roof parapet (not including Mechanical Penthouse), entire building must be sprinklered. (Building as designed is less than 75'.)
- Item 2 - Standpipes are required.
- Item 3 - Stairs must continue by way of access corridors to grade with 2 hour protection and no tenant doors opening onto same.
- Item 4 - Roof access can be with roof hatches and ladders located in two stair wells.
- Item 5 - Any entrance door to an office suite must be a 'C' label door and frame with closer.
- Item 6 - All tenant separations vertical and horizontal must be one hour (Incidental uses classified as Mercantile, etc. shall be separated as per Table 902).
- Item 7 - Plenums are allowed provided all requirements of 905.10 are followed plus mechanical and electrical codes.

7218  
80-220-X

MARKS • COOKE • SCHACK • THOMAS, INC.  
ARCHITECTURE / PLANNING / INTERIORS / URBAN DESIGN

November 5, 1980  
Messrs. Burnham and Bryan  
Baltimore County  
Page 2

- Item 8 - Building must be classified as 2B protected non-com construction based on 5 story - 65' average height.

Table 305 - 22,500 s.f./flr. - 30% (Table 305.4)  
- 6,750  
15,750

30' min. clr. perimeter = +150% = 33,750

49,500/floor maximum area/floor

- Item 9 - In order to have an atrium as designed, structure must be two separate buildings, each with two stairwells so that atrium is not used for required exits. Atrium must be separated by 2 hour walls and must be sprinklered (standpipes can be used as risers).
- Item 10- Openings from office areas to atrium will be considered if designed with 1/4" wire glass in metal frames plus fire shutters with 165° fusible link.

Sincerely,

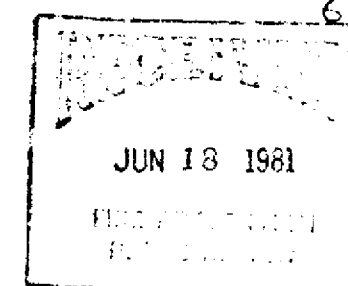
MARKS, COOKE, SCHACK, THOMAS, INC.

Paul J. Marks, AIA

PJM:slm

cc: Mr. Jonathan Kolker  
P.C.I. Engineers, Inc.  
Skarda and Rickert

Item #9 was required  
by the Baltimore County  
Fire Prevention Plans Review  
Section in order to meet  
the State Life Safety Code



John Bryan  
Fire Prot. Eng.  
Fire Prevention Bureau



MARKS • COOKE • SCHACK • THOMAS, INC.  
ARCHITECTURE / PLANNING / INTERIORS / URBAN DESIGN

219 WEST JOPPA ROAD • BALTIMORE, MARYLAND 21204 • (301) 823-6744

June 18, 1981

Mr. William E. Hammond  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Petition for Special Exception  
NE/corner of Charles Street and  
Kenilworth Drive - 9th Election  
District  
John L. Strickland, et al -  
Petitioners  
NO. 80-220-X (Item No. 153)

Dear Mr. Hammond:

As discussed this morning, there are two matters that need to be addressed with respect to the filing of the site plan for the building permit in the above matter.

The zoning plat upon which the special exception was granted indicated the depth of the two office towers and connecting atrium to be 170 feet plus or minus. As a result of meetings with the Plans Review Division we were required to install four stairwells (see Item 9 of a copy of my letter dated November 5, 1980 which is attached). Two of the stairwells were required to be located where we had proposed to locate our elevators. This necessitated relocation of the elevators within the atrium increasing the size of the atrium by 7 feet.

The second matter has to do with the deletion of a ramp between two parking lots on the west or Charles Street side of the property. Final topographical studies of the property indicated a steeper slope than expected and also identified a large stand of old trees: pines with magnolia and locust interspersed. In order to save these lovely trees and to avoid a steep ramp it was decided to eliminate the same. The parking plan remains the same as that depicted on the zoning plat.

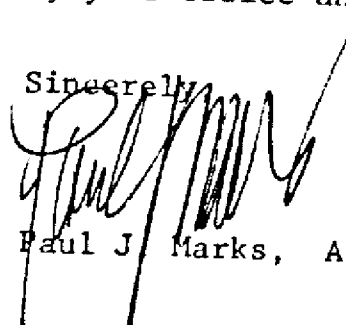
Mr. William E. Hammond

-2-

June 18, 1981

Due to the very strict contractual requirements under which we find ourselves it is respectfully requested that the permit application be approved by your office and the same will be resubmitted today.

Sincerely,

  
Paul J. Marks, AIA

PJM:rm





MARKS • COOKE • SCHACK • THOMAS, INC.  
ARCHITECTURE / PLANNING / INTERIORS / URBAN DESIGN

219 WEST JOPPA ROAD • BALTIMORE, MARYLAND 21204 • (301) 823-6744

June 18, 1981

Mr. William E. Hammond  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Petition for Special Exception  
NE/corner of Charles Street and  
Kenilworth Drive - 9th Election  
District  
John L. Strickland, et al -  
Petitioners  
NO. 80-220-X (Item No. 153)

Dear Mr. Hammond:

As discussed this morning, there are two matters that need to be addressed with respect to the filing of the site plan for the building permit in the above matter.

The zoning plat upon which the special exception was granted indicated the depth of the two office towers and connecting atrium to be 170 feet plus or minus. As a result of meetings with the Plans Review Division we were required to install four stairwells (see Item 9 of a copy of my letter dated November 5, 1980 which is attached). Two of the stairwells were required to be located where we had proposed to locate our elevators. This necessitated relocation of the elevators within the atrium increasing the size of the atrium by 7 feet.

The second matter has to do with the deletion of a ramp between two parking lots on the west or Charles Street side of the property. Final topographical studies of the property indicated a steeper slope than expected and also identified a large stand of old trees: pines with magnolia and locust interspersed. In order to save these lovely trees and to avoid a steep ramp it was decided to eliminate the same. The parking plan remains the same as that depicted on the zoning plat.

Mr. William E. Hammond

-2-

June 18, 1981

Due to the very strict contractual requirements under which we find ourselves it is respectfully requested that the permit application be approved by your office and the same will be resubmitted today.

Sincerely,

Paul J. Marks, AIA

PJM:rm





BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

February 14, 1984

Ms. Sarah Lobe, President  
Comfort Care, Inc.  
5 Farmhouse Court  
Baltimore, Maryland 21208

and

Mr. Michael Hollander  
The Berkshire Corporation  
Suite 204  
The Gatehouse at North Park  
Cockeysville, Maryland 21030

RE: Proposed Office  
The Exchange Building  
1122 Kenilworth Drive -  
9th Election District

Dear Ms. Lobe and Mr. Hollander:

Reference is made to your visit to this office on Thursday, February 9, 1984, at which time you requested advice as to whether or not a proposed use is permitted by the Baltimore County Zoning Use Regulations applicable to the subject property. At the close of the meeting, the prospective tenant, Ms. Lobe, composed a letter to the Zoning Commissioner indicating the function of the proposed business. The function was described as an office which is operated to service patients; the service being to provide fittings of various prosthetic devices to individuals referred by physicians. Most of the fittings are done in a hospital, physical therapist office, or in the home of the patient. However, on occasion, an individual may visit the office if convenient to do so. There is no display of products and the staff of the prospective tenant includes a secretary and a certified fitter.

Please be advised that the Zoning Office records indicate that while the subject property is classified O-1 (Office Building), The Exchange Building was constructed by way of a Special Exception for an office building under the D.R.16 (Density, Residential) Zone. The D.R.16 Special Exception permits only office uses while the O-1 Zone permits some commercial uses. In the instant case, it appears that the prospective tenant's use does fall within an office use,

Case File

Zoning Commission of Baltimore  
Office Building.

Towson, Md.

Attention: Jim Dyer

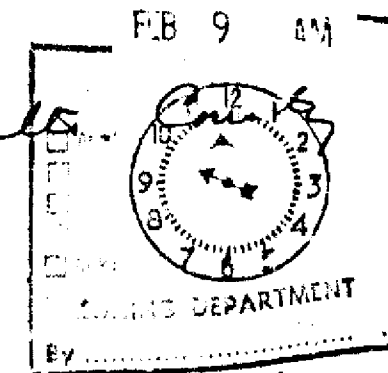
Gentlemen:

I write to ask your advice  
to whether my proposed office fits  
within proposed the requirements of office  
space under the O-1 Zoning.

The name of my business is Comfort  
Care, Inc. (NE 007) (1122 Kenilworth Drive)  
The purpose of the space would be as an  
office for which I operate to serve my  
patients. The service that I provide is the  
fitting of various prosthetic devices to individuals  
referred to me by a physician. These individuals  
include Prosthetists & Orthopedists.

On occasion an individual may visit my  
office if convenient to do so, however most  
fittings are done in a hospital, physical therapist  
office or in the home.

There is no display of products and they  
are manufactured out of state by special  
order and sent to me for delivery to the  
individuals. EXISTING ZONING O-1  
9th Dist.



My office staff includes myself, a  
secretary and a certified fitter.

Kindly advise as soon as possible  
as I would like to occupy the space  
by March 1, and must have to be  
done in the way of ordering stationary,  
business cards, etc.

Please contact me at:

Sarah Lobe, President  
Comfort Care, Inc.  
5 Farmhouse Ct.  
Balt. Md. 21208  
486-6882

Very truly yours,  
Sarah Lobe

P.S. Also Contact  
Mike Hollander  
667-8700

Michael Hollander  
Suite 204 The Berkshire Corp.  
The Gatehouse AT North Park  
Cockeysville, 21030



# PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County to use the herein described property for offices and an office building in a CR-15 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
THE BERKSHIRE CORPORATION  
(Type or Print Name)

By: Jonathan W. Kolker, President  
Suite 322, The Quadrangle  
The Village of Cross Keys  
Baltimore, Maryland 21210  
City and State

Attorney for Petitioner:

John B. Howard  
(Type or Print Name)  
John B. Howard  
Signature

210 Allegheny Avenue  
Address  
Towson, Maryland 21204  
City and State

Attorney's Telephone No.: 823-4111

Legal Owner(s):

JOHN L. STRICKLAND  
(Type or Print Name)

John L. Strickland  
Signature

JOHN WORLEY STRICKLAND, Trustee  
(Type or Print Name)

John Worley Strickland  
Signature

MARY STRICKLAND JOHNSON, Trustee  
(Type or Print Name)

Mary Strickland Johnson  
Signature

(See attached for respective addresses)  
City and State

Name and telephone number of legal owner, contract purchaser or representative to be contacted

John Worley Strickland  
Name  
611 Henderson Road - Bel Air, Md. 21014  
Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of April, 1980, at 11:30 o'clock P.M.

John B. Howard  
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)

#80-220-X  
JOHN L. STRICKLAND, et al  
NE/C of Charles St. &  
Kenilworth Drive  
9th District

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 18, 1980

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ooc  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No. 153  
Petitioner-John L. Strickland, et al  
Special Exception Petition

Dear Mr. Howard:

Enclosed are the comments from the Department of Traffic Engineering that were submitted subsequent to my written comments of April 17, 1980.

If you have any questions, please feel free to contact me at 494-3391.

Very truly yours,  
Nicholas B. Commodari  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Evan Hagan & Holdefer, Inc.  
8013 Belair Rd.  
Baltimore, Md. 21236

Baltimore County  
Department of Traffic Engineering  
TOWSON, MARYLAND 21204  
(410) 434-3550

STEPHEN E. COLLINS  
DIRECTOR

April 17, 1980

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 153 - ZAC Meeting of February 5, 1980  
Property Owner: John L. Strickland, et al  
Location: NE/C Charles Street and Kenilworth Drive  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices

Acres: 5.8  
District: 9th  
Previous Cases: 72-58-R (Item No. 3, Cycle Zoning); 69-249-R; 67-48-RX

Dear Mr. Hammond:

The proposed special exception for general offices can be expected to generate approximately 1,150 additional trips.

The following improvements will be required with the development of this site:

1. Road widening 25 feet off centerline of Kenilworth Drive.
2. Standard sidewalk section.
3. Relocate signal pole.
4. Relocate guard rail property side of sidewalk.

Very truly yours,

Michael S. Flanagan  
Michael S. Flanagan  
Traffic Engineering Associate II

MSF/mjm

Item #153 (1979-1980)  
Property Owner: John L. Strickland, et al  
Page 2  
March 10, 1980

### Highways: (Cont'd)

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

### Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

### Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Storm drains, if required in connection with any further development of this property, are to be designed and constructed in accordance with Baltimore County Standards and Specifications.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

### Water and Sanitary Sewer:

There is an 8-inch public water main and also a 48-inch transmission water main in Kenilworth Drive.

The 21-inch Worley's Run Supplementary Sanitary Interceptor Sewer traverses the northernmost corner of this property (Drawing #64-0474, File 1).

Additional drainage and utility easements may be required within this property.

Very truly yours,

Ellsworth N. Diver  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:RWB:SS

cc: J. Somers, W. Munchel  
S-SE Key Sheet, 43 NW 3 Pos. Sheet  
NW 11 A Topo, 60 and 69 Tax Maps  
Attachments

## BALTIMORE COUNTY, MARYLAND

## PLANNING CORRESPONDENCE

TO: Planning Department  
FROM: Ellsworth N. Diver, P.E.  
DATE: May 6, 1971

SUBJECT: Item #3 (April - October Cycle 1971)  
Property Owner: Leonard Stulman, et al  
Location: NE corner Charles Street and the Beltway  
Present Zoning: D.R. 16  
Proposed Zoning: Industrial, to B.L.  
District: 9th District: Central  
No. Acres: 9.2

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### Highways:

Charles Street and the Baltimore Beltway are State Roads; therefore, all improvements, intersections and entrances on these roads will be subject to State Roads Commission requirements.

Kenilworth Drive is an existing County Road, which shall ultimately be improved to major collector standards. (See Baltimore County Drawing #70-0732 (51) Highway Improvements to this site, including curb and gutter, sidewalks and entrances in accordance with the standards of the Baltimore County Department of Public Works for a 48-foot closed road section on an 80-foot right-of-way will be required for any grading or building permit application.

### Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

No provisions for accommodating storm water or drainage have been indicated on the subject plan; however, a storm drainage study and facilities will be required in accordance with Baltimore County standards.

### Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings below this property, and sediment control is required by State law. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #3 (April - October Cycle 1971)  
Property Owner: Leonard Stulman, et al  
Page 2  
May 6, 1971

### Sediment Control: (Cont'd)

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading and building permits.

### Waters:

Public water facilities are available to benefit this property.

Supplementary fire hydrants and improvements to the public system may be required for adequate protection.

Service within the site from the public system must be in accordance with the Baltimore County Building, Plumbing and Fire Prevention Codes. The service connection to the meter shall be in accordance with the standards of the Baltimore County Department of Public Works.

### Sanitary Sewer:

Public sanitary sewer facilities are available to benefit this property.

Improvements to the public system may be required for adequate service.

The Petitioner is entirely responsible for the construction of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

Ellsworth N. Diver  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:RWB:SS  
Key Sheet: S-SE  
Petition Sheet: 43 NW 3  
Topo: NW 11 A  
Tax Map: 69



Cycle Zoning No. 3  
April 22, 1971

238. Property Owner: John L. Strickland  
Location: W/E corner Charles St. Ave. and Kenilworth Dr.

District: 9th  
Present Zoning: R-6  
Proposed Zoning: EL  
No. Acres: (9.2)

#### Highways:

Access to this site shall be from Kenilworth Avenue, an existing road which shall ultimately be improved with a 16-foot combination curb and gutter and macadam paving cross-section on an 80-foot right-of-way.

Charles St. Avenue is a State Road; therefore, this site will be subject to State Roads Commission review and all street improvements and entrance locations on this road will be subject to State Roads Commission requirements.

#### Storm Drains:

The Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or other drainage facilities, would be the full responsibility of the Applicant.

Considerable storm drainage improvements will be required to develop this site as proposed; therefore, a drainage study will be required before proceeding with any grading or construction.

#### Sediment Control:

Development of this property through stripping, grading, and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit, therefore, is necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to a reviewed and approved prior to the issuance of any grading or building permits.

#### Sever:

Public sanitary sewerage is available to serve this property.

The Applicant is entirely responsible for the construction, and the cost of the construction and maintenance, of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Permit.

The Applicant is cautioned as to the disposal of industrial wastes. Wastes detrimental to the public sewer system, or to the functioning of the sewage pumping stations and/or treatment plants, shall be treated or disposed of as found necessary and directed by the Administrative Authority or other authority having jurisdiction.

Item 238  
Property Owner: John L. Strickland  
Page 2

#### Water:

Public water supply is available to serve this property.

RMD:sw

"S" S.E. Key Sheet  
43 N.W. 3 Position Sheet  
N.W. 11A 200' Scale Topo



#### Maryland Department of Transportation

State Highway Administration

James J. O'Donnell  
Secretary  
M. S. Catrider  
Administrator

February 14, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Feb. 5, 1980  
ITEM: 153.  
Property Owner: John L. Strickland, et al  
Location: NE/C Charles St. (Route 139) & Kenilworth Dr.  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices.  
Acres: 5.8  
District: 9th  
Previous Cases: 72-58-R (Item No. 3, Cycle Zoning); 69-249-R; 67-48-RX

Dear Mr. Hammond:

The proposed 5 story office building will generate a considerable amount of traffic to the intersection of Charles Street and Kenilworth Drive. In order to accommodate this traffic, Kenilworth Drive must be widened to provide two through lanes in each direction and a left turn storage lane. A suitable radius return must be provided.

The plan must be revised prior to a hearing date being assigned.

A portion of the site appears to be within the 100 year flood plane. No filling of this area will be permitted. This could affect the proposed development.

Very truly yours,

Charles Lee, Chief  
Bureau of Engineering  
Access Permits

By: John E. Meyers

CLJEM:vrd

My telephone number is (301) 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3211

JOHN D. SEYFFERT  
DIRECTOR

March 11, 1980

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #153, Zoning Advisory Committee Meeting, February 5, 1980, are as follows:

Property Owner: John L. Strickland, et al  
Location: NE/C Charles St and Kenilworth Dr.  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices  
Acres: 5.8  
District: 9th  
Previous Cases: 72-58-R (Item #3, Cycle Zoning); 69-249-R; 67-48-RX

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The adjacent property owners names should be indicated on the site plan.

Joint access should be provided with this site and the site to the northeast.

As many trees as possible should be saved.

Exterior lighting should be of the cut-off design type.

If medical offices are to be located on the upper floors, parking must be provided at the rate of 1 space for each 300 square feet.

Very truly yours,  
John L. Wimbley  
John L. Wimbley  
Planner III  
Current Planning and Development



BALTIMORE COUNTY  
DEPARTMENT OF HEALTH  
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.  
DEPUTY STATE & COUNTY HEALTH OFFICER

March 21, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 153, Zoning Advisory Committee meeting of February 5, 1980, are as follows:

Property Owner: John L. Strickland, et al  
Location: NE/C Charles Street & Kenilworth Drive  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices  
Acres: 5.8  
District: 9  
Previous Cases: 72-58-R (Item No. 3, Cycle Zoning); 69-249-R; 67-48-RX

Metropolitan water and sewer are available; therefore, no health hazards are anticipated.

Prior to construction of the proposed office building, all sewage disposal systems and underground fuel tanks should be abandoned and backfilled in an approved manner.

Prior to new installation/s of fuel burning equipment the owner should contact the division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

Very truly yours,

Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

IJF/nw

CC--Air Pollution



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. REINCKE  
CHIEF

February 27, 1980

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

Re: Property Owner: John L. Strickland, et al

Location: NE/C Charles St. & Kenilworth Dr.

Item No: 153 Zoning Agenda: 2-5-80

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 200 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Along Kenilworth Avenue.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Ian J. Forrest, Director  
Noted and Approved: George M. Maganoff  
Planning Group Fire Prevention Bureau  
Special Inspection Division



baltime county  
department of permits and licenses  
TOWSON, MARYLAND 21204  
(301) 434-3610

Ted Zaleski, Jr.  
DIRECTOR

February 4, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #153 Zoning Advisory Committee Meeting, February 5, 1980 are as follows:

Property Owner: John L. Strickland, et al  
Location: NE/C Charles Street & Kenilworth Drive  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices

Previous Cases: 72-58-R (Item No. 3, Cycle Zoning); 69-249-R; 67-48-RX

Acres: 5.8  
District: 9th

The items checked below are applicable:

X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1978 Edition, State of Maryland Code for the Handicapped and aged and other applicable codes.

X B. A building permit shall be required before construction can begin.

X C. Additional \_\_\_\_\_ permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

H. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.

X J. Comment: Plans do not show existing structures to be razed. Compliance with Handicapped Code is not indicated. Compliance to energy requirements is required.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,  
Charles E. Burnham, Chief  
Plans Review

CEB:rrj

#### BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: February 7, 1980

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: February 5, 1980

RE: Item No: 151, 152, 153, 154, 155, 156, 157  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,  
Wm. Nick Petrovich, Assistant  
Department of Planning

NNP/bp



August 5, 1980

Case No. 80-220-X  
Item No. 153

NE/C of Charles Street and  
Kenilworth Drive  
9th District  
John L. Strickland, et al

4-for offices and office building in  
a DR 16 zone.

1. Copy of Petition
2. Copy of Description of Property
3. Copy of Certificate of Posting *2 signs*
4. Copy of Certificates of Publication *4/1/80*
5. Copy of Zoning Advisory Committee Comments
6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
8. Copy of Order to Enter Appearance, John W. Hessian, III
9. Copy of Order - Zoning Commissioner, *6-26-80*
10. Copy of Plat of Property
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits      to
17. Petitioners' Exhibits 1 to 6 *Argument, letter, plat*
18. Letter of Appeal, John B. Howard, Esquire, *7-28-80*

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

Attorney for Petitioner

John W. Strickland  
611 Henderson Road  
Bel Air, Maryland 21014

Petitioner

John L. Strickland  
929 Cary Road  
Edmonds, Washington 98320

"

Mary Strickland Johnson  
1528 Clyde Drive  
Naperville, Illinois 60540

"

William F.C. Marlow, Jr., Esquire  
504 Baltimore Avenue  
Towson, Maryland 21204

Attorney for Protestants

George T. Quinn  
McCormick Properties, Inc.  
11011 McCormick Road  
Hunt Valley, Md. 21031

Case No. 80-220-X  
Item No. 153  
Page Two

Mrs. Nancy Hay  
Brookside Lane  
Towson, Maryland 21204

Protestant

Mr. Melville T. Foster, Jr.  
1033 Marleigh Circle  
Towson, Maryland 21204

Association Rep

John W. Hessian, III, Esquire  
James E. Dyer

People's Counsel

Request Notification

RECEIVED  
BALTIMORE COUNTY  
AUG 6 2 53 PM '80  
COUNTY BOARD  
OF APPEALS

# PETITIONER'S EXHIBIT 1

## AGREEMENT

CLERK'S NOTATION  
Document submitted for record  
in a condition permitting sub-  
stantive, photographic reproduc-  
tion.

THIS AGREEMENT, made this 7th day of January, 1980, by and between JOHN I. STRICKLAND, individually, and JOHN W. STRICKLAND and MARY S. JOHNSON, Trustees u/w Mary W. Strickland, deceased (hereinafter collectively referred to as the "Owners") and THE BERKSHIRE CORPORATION (hereinafter referred to as the "Developer") and THE RIDERWOOD HILLS COMMUNITY ASSOCIATION, INC. and RONALD and RACHEL HARMAN, DOUGLAS and BETTIE HEISEY, MELVILLE, JR. and JACQUELINE FOSTER, ANTHONY J. and ELIZABETH PEROUTKA and JOHN T. and ALICE M. FEENEY (hereinafter collectively referred to as the "Association").

WHEREAS, the Owners hold the entire fee simple interest in that real property situate in Baltimore County, Maryland and more particularly described in Exhibit A (hereinafter referred to as the "Property"), and

WHEREAS, the Association represents those residents and property owners in the subdivision known as "Riderwood Hills" located adjacent to the Property and shown on Exhibit B (hereinafter referred to as the "Subdivision"), and

WHEREAS, the Owners and the Developer, having entered into a Contract of Sale for the Property, are desirous of insuring a development of the Property which is wholly acceptable to the Association, and

WHEREAS, the Owners and the Association are parties to an agreement dated June 24, 1974 (the "1974 Agreement") governing use and development of the Property, the provisions of which are no longer in accord with the appropriate development of the Property, and now wish to substitute for their respective rights and obligations thereunder the following provisions:

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the Owners, the Developer and the Association agree as follows:

TRANSFER TAX NOT REQUIRED

RECORDED IN BALTIMORE COUNTY  
LIBER 6139 PAGE 344  
AUG 6 1980  
Per *Thomas W. Early*  
Notary Public

LIBER 6139 PAGE 344

1. Office Space; Other Commercial Use. Owners agree that any non-residential buildings or other improvements (hereinafter referred to as "Improvements") which may be constructed on the Property shall contain or allow for no more than eighty thousand (80,000) square feet of rentable floor space for office and related commercial use; provided, further, that any such related commercial use shall be limited to no more than eight percent (8%) of the total square footage of the rentable floor space of the Improvements.

2. Screening. Upon substantial completion of any development of the Property, Owner shall construct and thereafter maintain at its own expense a fence no less than six (6) feet in height approximately located along that portion of the eastern boundary of the Property as shown on the attached Exhibit B; provided, however, that Owners' obligation to construct and maintain such fence as herein provided shall be subject to any state and/or county approval, and easements or restrictions of record.

3. Rodent Infestation. During initial construction of any Improvements on the Property, and for one (1) year after such Improvements are substantially completed, Owners shall bear the cost of any extermination reasonably necessary to control any rodent and/or raccoon infestation in the Subdivision caused by such construction on the Property; provided, however, that Owners' aggregate cost shall not exceed a total of Two Thousand Six Hundred Dollars (\$2,600).

4. Lighting. Any and all exterior lighting used and/or installed in connection with the development and use of the Property shall not unreasonably directly shine on any residential unit presently situated within the Subdivision.

5. Signs. Any free-standing signs not attached to, or a part of, any of the Improvements on the Property, excluding any sign placed on the Property at the request of the Association,

-2-

LIBER 6139 PAGE 345

shall be limited to three in number, with the display portion of each sign to equal no more than forty (40) square feet in area; provided, further, that such free-standing signs may be placed only at the entrance to the Property, at the corner of the Property adjoining the intersection of Charles Street and Kenilworth Avenue, and at any point on that portion of the Property bordering, or closest to, the Baltimore Beltway.

6. Entrance. Upon completion of any Improvements on the Property, access to the Property from Kenilworth Avenue for purposes of vehicular ingress and egress shall be limited to one entrance located at any point except directly opposite 1105 Kenilworth Avenue.

7. Consent to Special Exception and Approval. Upon request by, and at the expense of, Developer and/or Owners, the Association shall promptly join in any request, petition or action for the approval by any and all governmental agencies for the development of the Property together with the construction thereon of any Improvements as herein provided; and including, but not limited to, any modified special exception or zoning proceeding necessary to the development of the Property as herein provided and any action deemed necessary by the Developer and/or the Owners to modify or negate the conditions and terms of a certain Consent Order and a certain Nunc Pro Tunc Order, both of the Circuit Court of Baltimore County dated July 19, 1974 and August 16, 1977, respectively (copies of which are attached hereto as Exhibits C and D), granting a special exception for development of the Property.

8. 1974 Agreement. The 1974 Agreement shall have no further force and effect with respect to the Owners, the Association, the Subdivision and the Property.

9. Request for Change in Use. Notwithstanding the provisions of paragraph 1. above, Developer and/or Owners may

-3-

LIBER 6139 PAGE 346

proceed to request or petition for any commercial and/or residential use upon the first to occur of the expiration of ten (10) years from the date of this Agreement or the cessation of residential use of one-half (1/2) or more of the presently existing residential units located in the subdivision.

10. Binding Effect. The provisions and covenants herein shall run with and be binding upon the Property, and shall inure to the benefit of the successors and assigns of the Association and the Owners. However, those individual members of the Association named hereinabove entered into the 1974 Agreement and are entering into this Agreement only in their representative capacities as members of the Association, and not individually; any further action under, or modification of, this Agreement shall be deemed fully binding if performed by the Association and/or any representatives it may from time to time designate.

11. Transfer to Developer. Upon transfer of the Property to the Developer, or any other transferee, the Developer or such transferee shall assume all of the rights, obligations and liabilities of the Owners under this Agreement, and the Owners shall have no further rights, obligations or liabilities hereunder.

WITNESSES:

THE RIDERWOOD HILLS COMMUNITY  
ASSOCIATION, INC.

By *William E. Osmeier*  
WILLIAM E. OSMEIER, President

*Ronald Harman*  
RONALD HARMAN

*Rachel Harman*  
RACHEL HARMAN

*Douglas Heisey*  
DOUGLAS HEISEY

*Elizabeth C. Osmeier*  
Elizabeth C. Osmeier

*Thomas W. Early*  
Thomas W. Early

*Douglas Heisey*  
DOUGLAS HEISEY

-4-

LIBER 6139 PAGE 347

*Bettie Heisey*  
BETTIE HEISEY

*Melville Foster, Jr.*  
MELVILLE FOSTER, JR.

*Jacqueline Foster*  
JACQUELINE FOSTER

*Anthony J. Peroutka*  
ANTHONY J. PEROUTKA

*Elizabeth Peroutka*  
ELIZABETH PEROUTKA

*John T. Feeny*  
JOHN T. FEENEY

*Alice M. Feeny*  
ALICE M. FEENEY

Association  
THE BERKSHIRE CORPORATION

By *John W. Strickland*  
JOHN W. STRICKLAND, individually

Developer  
*John L. Strickland*  
JOHN L. STRICKLAND

*Mary S. Johnson*  
MARY S. JOHNSON  
Trustees u/w Mary W. Strickland

Owners

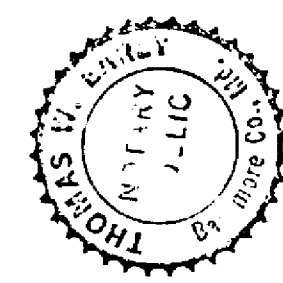
-5-

LIBER 6139 PAGE 348

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 14th day of December, 1979, before me, the undersigned officer, personally appeared RONALD and RACHEL HARMAN, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

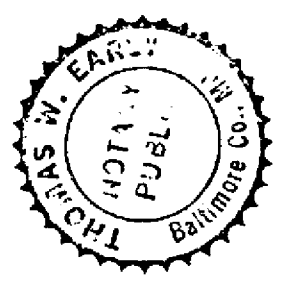


*Thomas W. Early*  
Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 1st day of December, 1979, before me, the undersigned officer, personally appeared DOUGLAS and BETTIE HEISEY, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



*Thomas W. Early*  
Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 30th day of November, 1979, before me, the undersigned officer, personally appeared MELVILLE, JR. and JACQUELINE FOSTER, known to me (or satisfactorily proven)

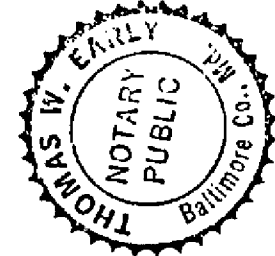
-6-

531



to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

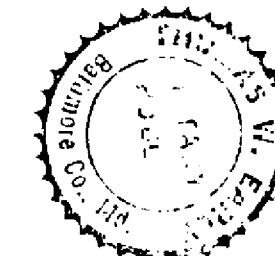


Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 12<sup>th</sup> day of December, 1979, before me, the undersigned officer, personally appeared ANTHONY J. and ELIZABETH PEROUTKA, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

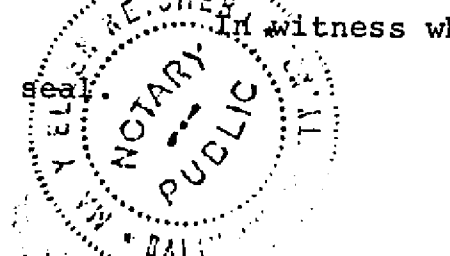


Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 7<sup>th</sup> day of December, 1979, before me, the undersigned officer, personally appeared JOHN T. and ALICE M. FENEY, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

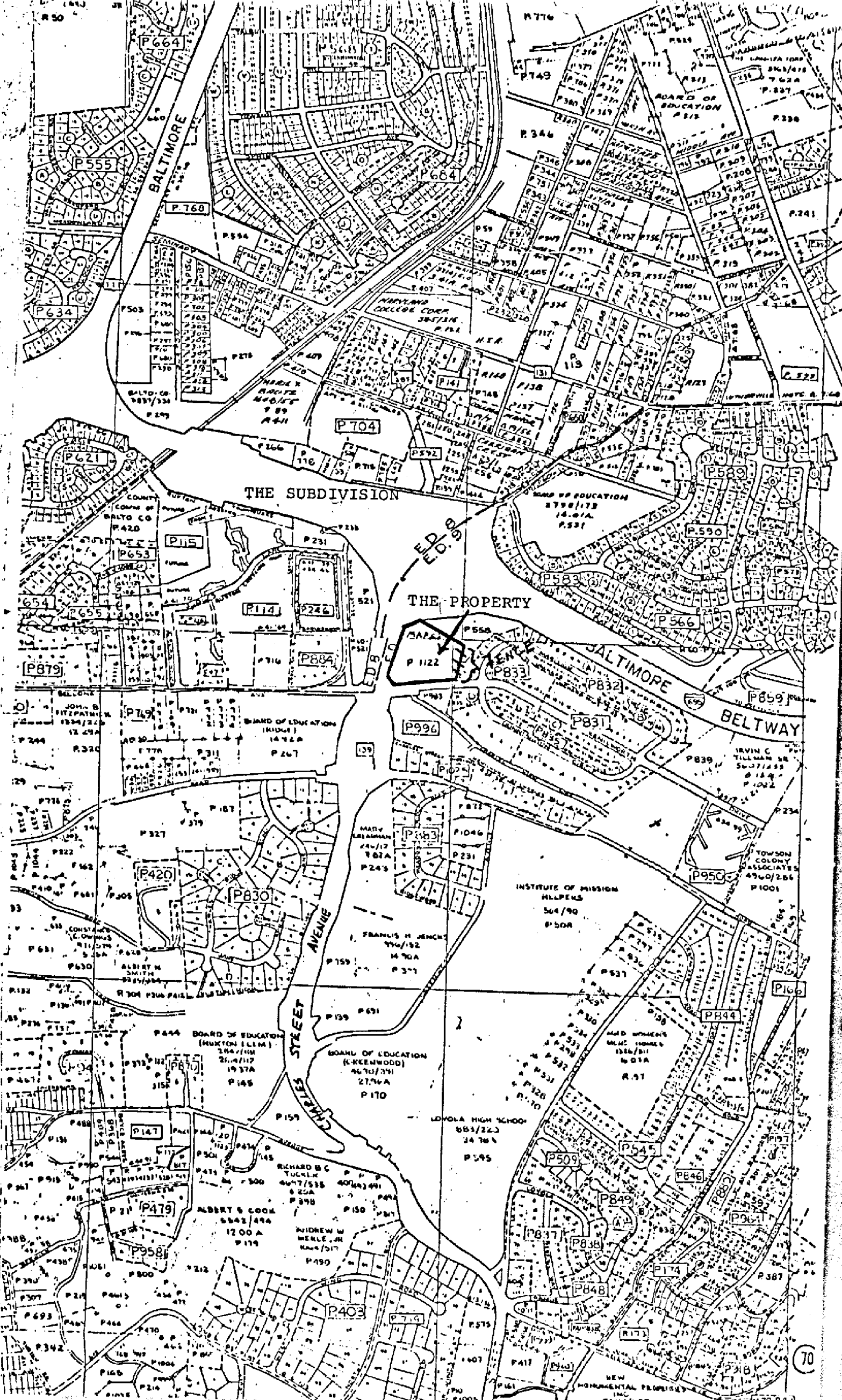
In witness whereof I hereunto set my hand and official seal.



Mary Ellen Richter  
Notary Public  
My commission expires: 7-1-82

LIBER 6139 PAGE 350

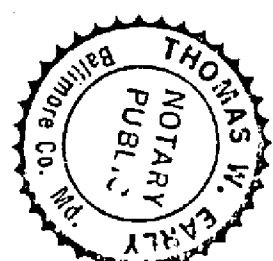
EXHIBIT D



STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 20<sup>th</sup> day of November, 1979, before me, the undersigned officer, personally appeared JONATHAN W. KOLKER who acknowledged himself to be the President of THE BERKSHIRE CORPORATION, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In witness whereof I hereunto set my hand and official seal.



Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

FLORIDA  
STATE OF FLORIDA,  
COUNTY OF Collier, SS:

On this the 24<sup>th</sup> day of Dec, 1979, before me, the undersigned officer, personally appeared JOHN L. STRICKLAND, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC STATE OF FLORIDA AT L.A.  
MY COMMISSION EXPIRES MAR. 7 1981  
BONDED THREE THOUSAND DOLLARS UNDER 401

Marine M. McDonald  
Notary Public  
My commission expires:

STATE OF MARYLAND,  
COUNTY OF Baltimore, SS:

On this the 7<sup>th</sup> day of January, 1980, before me, the undersigned officer, personally appeared JOHN W. STRICKLAND,

-8-

LIBER 6139 PAGE 354

EXHIBIT C

PETITION FOR RECLASSIFICATION ON: \* IN THE  
JOHN L. STRICKLAND, et al. \* CIRCUIT COURT  
\* FOR BALTIMORE COUNTY  
\* Misc. No. 5205

\*\*\*\*\*

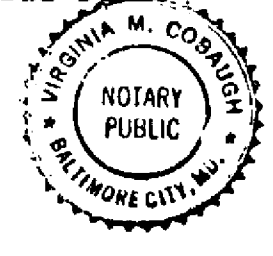
## CONSENT ORDER

It is ORDERED by the Circuit Court for Baltimore County, this 19<sup>th</sup> day of July, 1974, that the decision and Order of the County Board of Appeals of Baltimore County, dated January 3, 1974 be, and the same hereby is, affirmed in part and modified in part, in that, the denial of the requested reclassification to a Business Local (B.L.) zone is hereby affirmed; and a Special Exception and/or use permit is hereby granted for the construction on said property of office buildings containing a maximum of 200,000 square feet of floor space on the combined 9.2 acres, together with off-street parking of not less than 500 parking spaces to support the same, of which not more than 60,000 square feet of office space will be constructed on the 3.5442 acres parcel owned by Leonard Stulman and Helen R. Stulman, his wife, and not more than 140,000 square feet of office space shall be constructed on the 5.6558 acres parcel owned by John L. Strickland, said Special Exception and/or use permit being limited to substantial compliance with a plat prepared by MCA Engineering Corporation dated May 29, 1974 and revised on June 19, 1974 and filed herewith; except that the entrance shown thereon shall be as close as legally permissible to a point 300 feet east of Charles Street subject however to approval of Baltimore County, Maryland and the State Highway Administration.

Approved as to form:  
W. Lee Harrison  
W. Lee Harrison, Attorney for Appellants  
Richard C. Murray  
Richard C. Murray, attorney for protestants  
FILED JUL 22 1974

Trustee u/w Mary W. Strickland, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

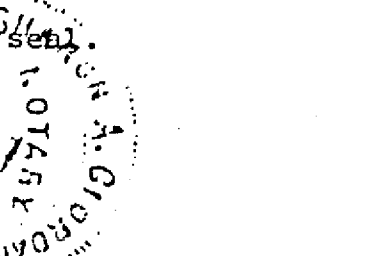


Thomas W. Early  
Notary Public  
My commission expires: 7/1/82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 14<sup>th</sup> day of December, 1979, before me, the undersigned officer, personally appeared MARY S. JOHNSON, Trustee u/w of Mary W. Strickland, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



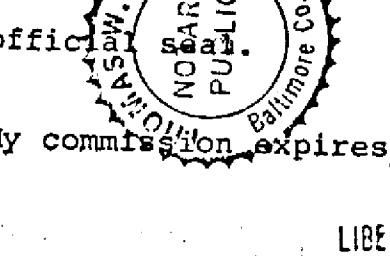
Thomas W. Early  
Notary Public  
My commission expires:

STATE OF MARYLAND

COUNTY OF Baltimore, SS:

On this the 29<sup>th</sup> day of November, 1979, before me, the undersigned officer, personally appeared WILLIAM E. OSMEYER, President of THE RIDGEWOOD HILLS COMMUNITY ASSOCIATION, INC., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

LIBER 6139 PAGE 355

EXHIBIT D

PETITION FOR RECLASSIFICATION ON: \* IN THE CIRCUIT COURT  
JOHN L. STRICKLAND, et al. \* FOR  
\* BALTIMORE COUNTY  
\* Misc. No. 5205

## ORDER MUNC PRO TUNC

It is ORDERED by the Circuit Court for Baltimore County this 16<sup>th</sup> day of August, 1977, Munc Pro Tunc to July 19, 1974, that the decision and Order of the County Board of Appeals of Baltimore County, dated January 3, 1974, be, and the same hereby is, affirmed in part and modified in part, in that, the denial of the requested reclassification to a Business Local (B.L.) zone is hereby affirmed; and a Special Exception and/or use permit is hereby granted for a period of five (5) years from the date hereof for the construction on said property of office buildings containing a maximum of 200,000 square feet of floor space on the combined 9.2 acres, together with off-street parking of not less than 500 parking spaces to support the same, of which not more than 60,000 square feet of office space will be constructed on the 3.5442 acres parcel owned by Leonard Stulman and Helen R. Stulman, his wife, and not more than 140,000 square feet of office space shall be constructed on the 5.6558 acres parcel owned by John L. Strickland, said Special Exception and/or use permit being limited to substantial compliance with a plat prepared by MCA Engineering Corporation dated May 29, 1974 and revised on June 19, 1974 and filed herewith; except that the entrance shown thereon shall be as close as legally permissible to a point 300 feet east of Charles Street subject however to approval of Baltimore County, Maryland and the State Highway Administration; and the Zoning

EXHIBIT A

All that parcel of ground and premises, situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point at the beginning of the 15th or North 54 degrees 02 minutes 00 seconds West 725.37 foot line of the Land Records of Baltimore County in Liber T.S.S. 1886, Folio 236; was conveyed by Mary W. Strickland and husband to Charles H. Stulley, Inc., running thence and binding on part of the 16th line in aforesaid Deed, as now surveyed, North 60 degrees 53 minutes 20 seconds West 450.15 feet to the easternmost right-of-way line of the Baltimore County Beltway - Charles Street Interchange, as shown on the State Roads Commission of Maryland Plat #10607, running thence and binding on the easternmost right-of-way line as shown on the aforesaid Plat #10607, the three following courses and distances: South 58 degrees 47 minutes 30 seconds West 147.19 feet, South 17 degrees 55 minutes 10 seconds West 435.88 feet, South 37 degrees 56 minutes 20 seconds East 83.47 feet to the northernmost right-of-way line of Bellona Avenue South (80 feet wide) as shown on the aforesaid Plat #10607, running thence and binding on the northernmost right-of-way line of Bellona Avenue South as shown on the aforesaid Plat #10607, North 86 degrees 03 minutes 20 seconds East 527.22 feet to intersect the 15th line in aforesaid Deed, Strickland to Stulley, Inc., thence leaving the northernmost right-of-way line of Bellona Avenue South and binding on part of the aforesaid 15th line, as now surveyed, North 14 degrees 08 minutes 40 seconds East 311.04 feet to the place of beginning.

CONTAINING 5.795 acres of land, more or less.

0003-\*\*\* PLAT 2 08-12-81  
0003-\*\*\* PLAT 2 08-12-81

LIBER 6139 PAGE 356

Commissioner of Baltimore County is hereby directed and Ordered to issue his Order Munc Pro Tunc in accordance herewith.

H. Kent McDaniel  
Judge



RE: PETITION FOR RECLASSIFICATION  
 NE/corner of Charles Street and  
 Kenilworth Drive - 9th  
 Election District  
 John L. Strickland, et al -  
 Petitioners  
 NO. 72-58-R (Item No. 3)

BEFORE THE  
 ZONING COMMISSIONER  
 OF  
 BALTIMORE COUNTY

Pursuant to the Order Nunc Pro Tunc of the Circuit Court for Baltimore County, dated August 16, 1977, a Special Exception for office buildings and a use permit for parking is hereby GRANTED, for a period of five years from July 19, 1974.

Zoning Commissioner of  
 Baltimore County

Date: September 15, 1977

Rec'd for record - FEB 27 1980 at 10:59  
 Per Elmer H. Hahline, Jr., Clerk  
 Mail to THE TITLE GUARANTEE COMPANY  
 Receipt No. 2507

RE: PETITION FOR SPECIAL EXCEPTION :  
 NE/corner of Charles Street and Kenilworth Drive - 9th Election District :  
 John L. Strickland, et al - Petitioners :  
 NO. 80-220-X (Item No. 153) :

BEFORE THE  
 ZONING COMMISSIONER  
 OF  
 BALTIMORE COUNTY

This matter, having been advertised and posted for a public hearing, comes before the Zoning Commissioner as the result of a Petition for Special Exception for an office building and offices in a D.R.16 Zone. Said parcel of land, described as containing 5.8 acres, more or less, is located at the north east corner of the intersection created by Kenilworth Drive and Charles Street (sometimes referred to as Charles Street Avenue).

There have been numerous hearings in the past eleven years pertaining to the subject site, together with property lying adjacent to and north thereof, in which both properties were sought to be reclassified from a D.R.16 Zone to a B.L. Zone as to the combined average of 9.2 acres. These hearings are not of any particular importance, except to the extent that it is significant to note that it has been consistently decided that the subject site is a proper location for an office building and offices, but not for reclassification to a B.L. Zone and the permitted uses provided for therein. This conclusion was manifested in the Nunc Pro Tunc Order of the Circuit Court for Baltimore County, dated August 16, 1977, and the subsequent Order of the then Zoning Commissioner, S. Eric DiNenna, dated September 15, 1977, wherein a special exception for office buildings, for a period of five years from July 19, 1974, and a use permit for parking were granted (Circuit Court Misc. No. 5205 and Zoning Case No. 72-58-R).

With this background, it now becomes necessary to review the testimony and facts presented in support of the present Petition for Special Exception for "offices and an office building in a DR 16 zone", which was necessitated by the five-year utilization period having expired on July 19, 1979.

A review of the description for the subject site discloses a reduction in the acreage to be utilized from that initially proposed, to wit, 9.2 acres, more or less, to 5.8 acres, more or less, and has been brought about by reason of the adjacent property to the north of the subject site being excluded from consideration. The description, as well as the site plan marked Petitioners' Exhibit 4, further indicates that the 5.8 acres, more or less, is bordered on the south by Kenilworth Drive and on the west by Charles Street and lies within a D.R.16 Zone.

A paraphrasing of the Petitioners' testimony is to the effect that the proposed office building was to be five stories in actual height (80,000 square feet), but its height appearance would appear deceptively lower because of the topography, which would minimize the effect on the surrounding residential uses and maximize its compatibility with the neighborhood. Further, the parking arrangement and the Petitioners' desire and intent to save as much natural growth as possible would, of themselves, improve and enhance its acceptability by the community. The Petitioners' experts testified to various aspects of the requirements of Section 502.1 of the Baltimore County Zoning Regulations, all of which culminated into the proposed office building and offices use neither being detrimental to the health, safety, and general welfare of the locality involved nor tend to create a potential hazard from fire, panic, or other dangers; create congestion in roads, streets, or alleys; overcrowd land or cause undue concentration of population; interfere with provisions for schools, parks, water, sewerage, transportation, or other public conveniences or improvements; and interfere with adequate light and air.

In addition, the Petitioners submitted an Agreement between the owners, developer, and The Riderwood Hills Community Association, Inc. dated January 7, 1980, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6139, folio 343 (Petitioners' Exhibit 1).

- 2 -

One area of question involves the Petitioners' proposal to use approximately eight percent of the total rentable floor space for commercial uses, which were described in the testimony as a restaurant for the tenants and a newsstand/tobacco stand. The site plan, in support of the testimony, refers to these commercial uses as being ancillary to the primary use of the property as an office building and offices and alludes to the Agreement with the community association. It was not argued by counsel for the Petitioners that such Agreement would or could negate the legal effect of the regulations to the extent of allowing an illegal use to occur on the basis of an agreement. To do so would make zoning an ineffectual tool of the planning process; therefore, irrespective of the Agreement with the community association, it must be herein determined if the ancillary commercial use of the first floor is a proper use in a D.R.16 Zone where such use is to occur in an office building and is designed for the use of the tenants thereof.

A review of the regulations fails to disclose a definition of the term "ancillary"; however, it would appear that the regulations contemplate the word "ancillary" as being synonymous with "accessory". The term "accessory" is defined as being "A use or structure which—(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal use or structure served...An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a 'use in combination' (with a service station) shall be considered a principal use."

Section 402.4 of the regulations, entitled "Elevator Apartment Buildings and Office Buildings, Conditions for Accessory Business Uses in—", appears to clearly envision "accessory business uses for the convenience of

- 3 -

tenants"; however, Note 8 to the section states, in part, "...Accessory business uses as described in these provisions were specifically allowable in elevator apartment and office buildings under the R.A. zoning classification, now rescinded, but do not appear to be allowable, according to Article 1B, under the D.R.16 classification (which has superseded the R.A. classification—see Subsection 100.3A)." The legislative history of the aforementioned Subsection 100.3A and Article 1B indicates that Bill No. 100, 1970, was the source for amendment of the regulations by deletion of the R.A. classification and the establishment of D.R.16 as the successor zone. Section 1B02.1, in setting forth uses which are permitted in D.R. Zones either as a matter of right or by special exception, fails to establish commercial uses as ancillary or accessory to an office building and offices. In view of Section 402.4 having been added to the regulations by Bill No. 64, 1960, and Subsection 100.3A and Article 1B by Bill No. 100, 1970, it is clear that Bill No. 100, 1970 repealed Bill No. 64, 1960, to the extent of any inconsistency. Therefore, it is this Commissioner's opinion that commercial uses, as ancillary or accessory to the principal office use, are not now permitted.

The testimony of the Petitioners, indicating their desire to use the subject property for an office building and offices, the presumption of correctness of the D.R.16 zoning, and the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of June, 1980, that the herein Petition for Special Exception for an office building and offices in a D.R.16 Zone should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. All outdoor lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, in order to minimize illumination beyond the subject property.

2. Compliance with the Agreement, dated January 7, 1980, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6139, folio 343, between John L. Strickland, individually, et al, as owners, The Berkshire Corporation, as developer, and The Riderwood Hills Community Association, Inc., Ronald and Rachel Harman, et al, as association, excluding therefrom any provisions, agreement, or stipulation with reference to commercial uses as may be therein contained.

3. A revised site plan, indicating removal therefrom of any ancillary or accessory commercial uses from the proposed office building and offices, shall be submitted and approved by the Maryland Department of Transportation, the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division. Said site plan shall be consistent with the original site plan prepared by Evans, Hagan & Holdefer, Inc., dated January 21, 1980, and marked Petitioners' Exhibit 4, except to the extent that this Order requires the removal therefrom of any references or calculations for commercial uses.

Zoning Commissioner of  
 Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION :  
 NE corner of Charles St. and :  
 Kenilworth Drive, 9th District :  
 JOHN L. STRICKLAND, et al, :  
 Petitioners :  
 Case No. 80-220-X

BEFORE THE ZONING COMMISSIONER  
 OF BALTIMORE COUNTY

#### ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
 Deputy People's Counsel

John W. Hession, III  
 People's Counsel for Baltimore County  
 Rm. 223, Court House  
 Towson, Maryland 21204  
 494-2168

I HEREBY CERTIFY that on this 8th day of April, 1980, a copy of the foregoing Order was mailed to John B. Howard, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorney for Petitioners; and Jonathan W. Kolker, President, The Berkshire Corporation, Suite 322, The Quadrangle, The Village of Cross Keys, Baltimore, Maryland 21210, Contract Purchaser.

John W. Hession, III

RE: PETITION FOR SPECIAL EXCEPTION :  
 for offices and office building in a :  
 DR 16 zone :  
 NE corner of Charles Street and :  
 Kenilworth Drive :  
 9th District :  
 John L. Strickland, et al, :  
 Petitioners :  
 No. 80-220-X

BEFORE  
 COUNTY BOARD OF APPEALS  
 OF  
 BALTIMORE COUNTY

#### ORDER OF DISMISSAL

Petition of John L. Strickland, et al, for a special exception for offices and office building in a DR 16 zone on property located at the northeast corner of Charles Street and Kenilworth Drive, in the Ninth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal filed August 27, 1980, (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioners-Appellants in the above entitled matter.

WHEREAS, the said attorney for the said Petitioners-Appellants request that the appeal filed on their behalf be dismissed and withdrawn as of August 27, 1980.

IT IS HEREBY ORDERED this 29 day of August, 1980, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS  
 OF BALTIMORE COUNTY

John V. Murphy  
 John V. Murphy, Acting Chairman

LeRoy B. Spurrer  
 LeRoy B. Spurrer

Patricia Millhouser  
 Patricia Millhouser



IN RE: PETITION FOR SPECIAL EXCEPTION \*  
NE/ corner of Charles Street and  
Kenilworth Drive - 9th Election \*  
District - John L. Strickland, \*  
et al - Petitioners \*  
No. 80-220-X (Item No. 153) \*

BEFORE THE  
COUNTY BOARD OF APPEALS  
FOR BALTIMORE COUNTY

**NOTICE OF DISMISSAL OF APPEAL**

Mr. Clerk:

On behalf of the Petitioner-Appellant, I hereby dismiss the appeal from the Order of the Zoning Commissioner of Baltimore County heretofore entered up on the above case on June 26, 1980.

*John B. Howard*  
John B. Howard  
Attorney for Petitioner-Appellant

I HEREBY CERTIFY that a copy of the Notice of Dismissal of Appeal was mailed this 27th day of August, 1980 to William F.C. Marlow, Jr., Esquire, Mrs. Nancy Hay, John W. Hessian, III, Esquire and Mr. Melville T. Foster, Jr.

*John B. Howard*  
John B. Howard

RECEIVED  
BALTIMORE COUNTY  
AUG 27 5 40 PM '80  
COUNTY CLERK  
OF APPEALS  
BY:

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

April 17, 1980

**PETITIONER'S  
EXHIBIT 6**

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No. 153  
Petition-John L. Strickland, et al  
Special Exception Petition

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located at the northeast corner of Charles Street and Kenilworth Drive, the subject property is presently improved with a number of dwellings and storage buildings. It is part of the overall property that was the subject of two previous zoning hearings (Case No. 69-249-R and No. 72-58-R). The property to the south across Kenilworth Drive is improved with an office and apartment buildings, while the Beltway, vacant land and individual dwellings exist to the north and east, respectively.

Because of your clients' proposal to raze the existing structures and construct a five story office building, this Special Exception is required. As indicated on the submitted site plan, the shape of the proposed building may be altered at a later date, but the developer "...will not increase the square foot area or change the overall location of the building shown hereon". Because there was uncertainty as to the final design of the proposed building, your engineer decided to put this note on the plan. This would allow some flexibility in the future when the building is designed. I suggest that this matter be clearly discussed at the hearing to determine if there are any problems with this proposal.

Item No. 153  
Special Exception Petition  
April 17, 1980

In accordance with my numerous conversations with Mr. Jerry Witt and Mr. Hagan, it was suggested that any proposed accessory business uses for tenants of the office building be clearly stated at the subject hearing. This is in accordance with Section 402.4 of the zoning regulations. Since that time, the question of whether this Section is still applicable has been raised. After conversation with Mr. Dyer and based on a previous decision in Case No. 73-307-RSPH, it is the interpretation of this office that this Section still applies to the D.R.16, and accessory business uses are allowed.

Particular attention should be afforded to the comments of the Office of Planning, while the revised site plans that were submitted should reflect the distance of the proposed curb along Kenilworth Drive from the centerline. At the time of this writing, the comments from the Department of Traffic Engineering were not available. However, it is my understanding that the comments will concern the proposed improvements to Kenilworth Drive. When they are submitted, I will direct a copy to you. If you have any questions concerning these comments, you may contact Mr. Mike Flanagan at 494-3554. If I can be of any assistance, please feel free to contact me at 494-3391.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Evans, Hagan & Holdefer, Inc.  
8013 Belair Road  
Baltimore, Md. 21236

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

William Hammond  
TO: Zoning Commissioner  
James D. Lucas, Jr., Director  
FROM: Economic Development Commission  
Berkshire Corporation's  
SUBJECT: April 23, 1980 Hearing  
RE: Request for special exception for office building:  
Charles Street, Kenilworth Drive and Baltimore Beltway

Date: April 1, 1980

The Economic Development Commission is supportive of the petitioners' request for a special exception to construct an office building at the above Towson location.

The economic impact of office construction in Baltimore County in 1979 was an important part of our overall economic development efforts. 67% of all office construction in the Baltimore SMSA took place in the County—approximately \$23 million. These capital expenditures will result in property tax revenue of over \$300,000 per annum and provide employment for over 2,000 persons.

There is especially a need for new office space in the Towson area. Presently, the occupancy level of first class office buildings in Towson is about 95%. Absorption of new office space in the Towson area is about 150,000 square feet per annum. We know of no other major office building projected for the Towson area this year.

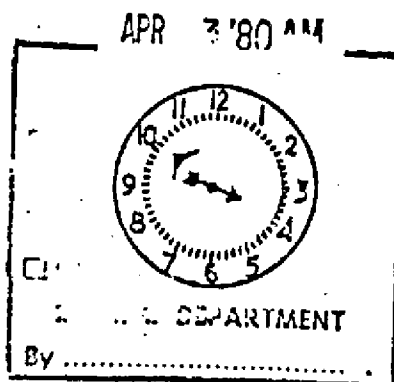
The Berkshire Corporation has been working with the community organizations in the area and Councilwoman Bachur to develop a building that is sensitive to the community's concerns. Berkshire has taken steps to insure that the building is as compatible with its neighbors as is possible.

Based on these facts, the Economic Development Commission supports this request.

*James D. Lucas, Jr.*  
JAMES D. LUCAS, JR.  
Chairman  
Economic Development Commission

JDL:jet

cc: Economic Development Commission



**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Mr. W. E. Hammond  
Zoning Commissioner  
TO: John D. Seyffert, Director  
Office of Planning and Zoning  
FROM: Petition No. 80-220-X Item 153  
SUBJECT: Petition for Special Exception

Date: April 10, 1980

**PETITIONER'S  
EXHIBIT 2**

Petition for Special Exception  
Northeast corner of Charles Street and Kenilworth Drive  
Petitioner - John L. Strickland, et al

Ninth District

HEARING: Tuesday, April 29, 1980 (1:30 P.M.)

This office has reviewed the subject petition and is of the opinion that office use would be appropriate here. If the petitioner's request is granted, it is requested that a detailed landscaping plan submitted to and approved by the Division of Current Planning and Development be required as a condition of the order. Further, it is suggested that the preservation of substantial trees and other vegetation be given every consideration in the final design of the site improvements.

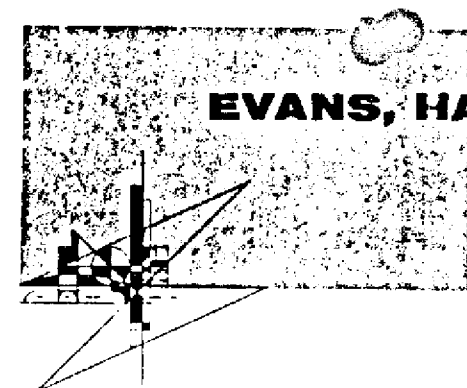
A review of the Zoning Advisory Committee comments as they relate to the proposed paving of Kenilworth Drive and a brief discussion of these matters with the Department of Traffic Engineering indicates that the various governmental agencies do not agree as to details of improvements. It would appear, however, that the 80 foot wide right-of-way delineated on the petitioner's plan will provide sufficient width within which future improvements can be accommodated. It is desirable that the preservation of any substantial trees along the southernmost boundary of the subject property be given careful consideration in determining future road improvements.

In the event that the adjacent vacant parcel of land (labeled on the petitioner's plat as "Charles Towson & Assoc., E.H.K. Jr. 5823/913") is proposed for future development, this office believes that access to Kenilworth Drive should be provided for by one entrance shared with the subject property.

It is noted that the petitioner's plat indicates 7,520 square feet of floor area for ancillary commercial use. This office is of the opinion that commercial uses are not permitted in a D.R.16 zone.

*John D. Seyffert*  
John D. Seyffert, Director  
Office of Planning and Zoning

JDS:JGH:hb



**EVANS, HAGAN & HOLDEFER, INC.**

SURVEYORS AND CIVIL ENGINEERS  
8013 BELAIR ROAD / BALTIMORE, MD. 21236 (301) 668-1501  
519 APLIN STREET / CAMBRIDGE, MD. 21613 (301) 228-3350  
111 JOHN STREET / WESTMINSTER, MD. 21157 (301) 858-1790  
11 S. WASHINGTON STREET / EASTON, MD. 21601 (301) 822-5433

JANUARY 22, 1980

**DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION  
FOR OFFICES IN A DR-16 ZONE  
9TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME on the north side of Kenilworth Avenue (80 feet wide) at its intersection with the easternmost right of way line of the Baltimore County Beltway - Charles Street Interchange, thence leaving said place of beginning and running and binding on said easternmost right of way line, the 3 following courses and distances, viz: (1) North 37 degrees 56 minutes 20 seconds West 83.47 feet thence (2) North 17 degrees 55 minutes 10 seconds East 435.88 feet and thence (3) North 58 degrees 47 minutes 30 seconds East 147.19 feet, thence leaving the aforesaid easternmost right of way line and running the 2 following courses and distances, viz: (4) South 60 degrees 53 minutes 20 seconds East 450.15 feet and thence (5) South 14 degrees 08 minutes 40 seconds West 311.04 feet to intersect the aforesaid north side of Kenilworth Avenue, thence running and binding thereon (6) South 86 degrees 03 minutes 20 seconds West 527.22 feet to the place of beginning.  
Containing 5.8 acres of land, more or less.

NOTE: The above description has been prepared for zoning purposes only and is not intended to be used for conveyance.



EVANS, HAGAN & HOLDEFER, INC.  
111 JOHN STREET  
WESTMINSTER, MD. 21157  
MICHAEL L. HULL, P.L.S.

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5307  
TOWSON, MARYLAND 21204

July 28, 1980

JAMES D.C. DOWNES  
(1905-1979)  
823-4111  
AREA CODE 301

**HAND DELIVERED**

William E. Hammond, Zoning Commissioner  
Baltimore County Office of Planning & Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Item No. 153  
Petition for Special Exception  
Petitioner John L. Strickland, et al  
No. 80-220-X

Dear Mr. Hammond:

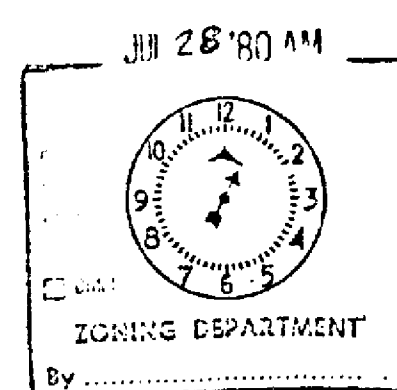
I herewith note an appeal to the County Board of Appeals limited to that part of the Zoning Commissioner's order of June 26, 1980 denying ancillary or accessory commercial uses within the proposed office building and offices.

Sincerely,

*John B. Howard*  
John B. Howard

JBH:ecd

cc: William F. C. Marlow, Jr., Esquire  
cc: Mr. Melville T. Foster, Jr.  
cc: John W. Hessian, III, Esquire  
cc: Mrs. Nancy-Bets Hay



494-3180

**County Board of Appeals**

Room 219, Court House  
Towson, Maryland 21204  
August 28, 1980

John B. Howard, Esq.  
210 Allegheny Ave.  
Towson, Md. 21204

Dear Mr. Howard:

Re: Case No. 80-220-X  
John L. Strickland, et al

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Encl.

cc: John W. Strickland  
John L. Strickland  
Mary S. Johnson  
William F. C. Marlow, Jr., Esq.  
George T. Quinn  
Mrs. Nancy Hay  
Mr. Melville T. Foster, Jr.  
John W. Hessian, Esq.  
J. E. Dyer  
William Hammond



**McCormick Properties, Inc.**

11011 McCormick Road  
Hunt Valley, Maryland 21031  
(801) 667-7700

August 15, 1980

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204

Gentlemen:

Please notify George T. Quinn at the above address when the date of the hearing for Case #80-220-X will be held.

Thank you for your attention to this matter.

Sincerely,

*Linda*

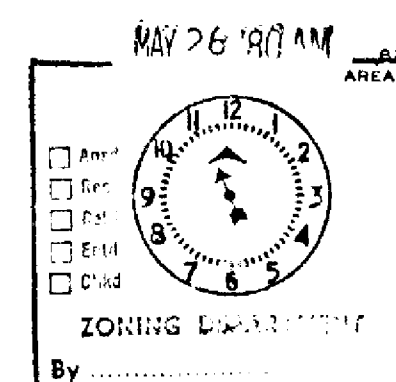
Linda D. Gerety  
Secretary

lmj

RECEIVED  
BALTIMORE COUNTY  
COUNTY BOARD  
OF APPEALS  
Aug 19 11 15 AM '80  
BY: [Signature]

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

May 23, 1980



HAND DEL. TRED

William E. Hammond, Esquire  
Zoning Commissioner  
Baltimore County Office of  
Planning & Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Item No. 153  
Petitioner John L. Strickland, et al  
Special Exception Charles Street and  
Kenilworth Drive

Dear Mr. Hammond:

You may recall our conversation of May 20 at which time I indicated that there existed certain contractual time limitations with respect to your ruling on the above matter which was heard on April 29.

Enclosed please find a copy of a letter that I received from Jonathan Kolker, President of The Berkshire Corporation (Contract Purchaser) in which he has outlined the chronology of this project.

The best information available to Mr. Kolker, at the time, that he was negotiating this matter with the property owners, was that a ruling might be anticipated three-four weeks following the hearing date; and this period of time was structured in the Agreement between the parties.

I personally can fully understand and appreciate the unanticipated number of hearings and resultant backlog that has occurred in your office and most certainly, on behalf of my client, would not seek any type of preference. Whatever might be done, however, to accommodate this rather serious problem would be greatly appreciated.

Kind regards.

Sincerely,

*John B. Howard*  
John B. Howard

JBH:ecd  
Enclosure  
cc: Mr. Jonathan W. Kolker

ADDRESS OF PROPERTY OWNERS

John L. Strickland  
929 Cary Road  
Edmonds, Washington 98820

John W. Strickland, Trustee  
611 Henderson Road  
Bel Air, Maryland 21014

Mary Strickland Johnson, Trustee  
1528 Clyde Drive  
Naperville, Illinois 60540

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

January 22, 1980

William E. Hammond, Zoning Commissioner  
Baltimore County Office of  
Planning and Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Special Exception  
John L. Strickland, et al  
Property Owner  
The Berkshire Corporation  
Contract Purchaser

Dear Mr. Hammond:

We are delivering herewith the required number of zoning plats, legal descriptions and Petition for Special Exception forms with respect to the above-captioned matter.

Representatives of The Berkshire Corporation spoke to Mr. Commodari relative to the practical difficulty of obtaining signatures for two of the property owners: John L. Strickland in the State of Washington and Mary Strickland Johnson in the State of Illinois.

Mr. Commodari stated that the Petition could be accepted for filing, and processing initiated, with the signature of the contract purchaser so long as the signatures of the property owners were obtained and the fully executed petitions filed as soon as practicable. You can be assured that every effort will be made to obtain the signatures as soon as possible.

Thank you for your assistance in this matter.

Very truly yours,

*John B. Howard*  
John B. Howard

JBH:ecd  
Enclosures

**BALTIMORE COUNTY, MARYLAND**

INTER-OFFICE CORRESPONDENCE

TO: William Hammond  
Zoning Commissioner  
Date: April 1, 1980

FROM: James D. Lucas, Jr., Director  
Economic Development Commission

SUBJECT: Berkshire Corporation's  
Request for special exception for office building;  
Charles Street, Kenilworth Drive and Baltimore Beltway

The Economic Development Commission is supportive of the petitioners' request for a special exception to construct an office building at the above Towson location.

The economic impact of office construction in Baltimore County in 1979 was an important part of our overall economic development efforts. 67% of all office construction in the Baltimore SMSA took place in the County--approximately \$23 million. These capital expenditures will result in property tax revenue of over \$300,000 per annum and provide employment for over 2,000 persons.

There is especially a need for new office space in the Towson area. Presently, the occupancy level of first class office buildings in Towson is about 95%. Absorption of new office space in the Towson area is about 150,000 square feet per annum. We know of no other major office building projected for the Towson area this year.

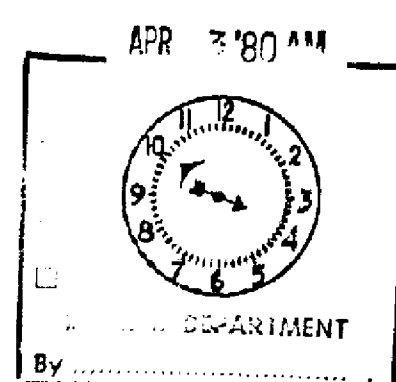
The Berkshire Corporation has been working with the community organizations in the area and Councilwoman Bachur to develop a building that is sensitive to the community's concerns. Berkshire has taken steps to insure that the building is as compatible with its neighbors as is possible.

Based on these facts, the Economic Development Commission supports this request.

*James D. Lucas, Jr.*  
JAMES D. LUCAS, JR.

JDL:jet

cc: Economic Development Commission



**BALTIMORE COUNTY, MARYLAND**

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond  
Zoning Commissioner  
Date: April 10, 1980

FROM: John D. Seyffert, Director  
Office of Planning and Zoning

SUBJECT: Petition No. 80-220-X Item 153

Petition for Special Exception  
Northeast corner of Charles Street and Kenilworth Drive  
Petitioner - John L. Strickland, et al

Ninth District

HEARING: Tuesday, April 29, 1980 (1:30 P.M.)

This office has reviewed the subject petition and is of the opinion that office use would be appropriate here. If the petitioner's request is granted, it is requested that a detailed landscaping plan submitted to and approved by the Division of Current Planning and Development be required as a condition of the order. Further, it is suggested that the preservation of substantial trees and other vegetation be given every consideration in the final design of the site improvements.

A review of the Zoning Advisory Committee comments as they relate to the proposed paving of Kenilworth Drive and a brief discussion of these matters with the Department of Traffic Engineering indicates that the various governmental agencies do not agree as to details of improvements. It would appear, however, that the 80 foot wide right-of-way delineated on the petitioner's plan will provide sufficient width within which future improvements can be accommodated. It is desirable that the preservation of any substantial trees along the southernmost boundary of the subject property be given careful consideration in determining future road improvements.

In the event that the adjacent vacant parcel of land (labeled on the petitioner's plat as "Charles Towson & Assoc., E.H.K., Jr., 5828/913") is proposed for future development, this office believes that access to Kenilworth Drive should be provided for by one entrance shared with the subject property.

It is noted that the petitioner's plat indicates 7,520 square feet of floor area for ancillary commercial use. This office is of the opinion that commercial uses are not permitted in a D.R.16 zone.

JDS:JGH:ab

*John D. Seyffert*  
John D. Seyffert, Director  
Office of Planning and Zoning

PETITION FOR SPECIAL EXCEPTION

9th District

ZONING: Petition for Special Exception

LOCATION: Northeast corner of Charles Street and Kenilworth Drive

DATE & TIME: Tuesday, April 29, 1980 at 1:30 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for offices and an office building in a D.R. 16 zone

All that parcel of land in the Ninth District of Baltimore County

Being the property of John L. Strickland, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, April 29, 1980 at 1:30 P.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

**The Berkshire Corporation**

Suite 322  
The Quadrangle  
The Village of Cross Keys  
Baltimore, Maryland  
21210

301-322-5000

Jonathan W. Kolker, President  
John B. Startt, Vice President

May 21, 1980

John Howard, Esquire  
Cook, Howard, Downes & Tracy  
210 Allegheny Avenue  
Towson, Maryland 21204

Re: Strickland Property  
Charles Street and Kenilworth Drive

Dear John,

This letter is in response to your request concerning our time constraints with respect to the contract of sale on the captioned property.

The contract of sale is subject to our receiving all necessary governmental approvals for our plan. This has created a critical path of numerous separate consecutive activities.

In this respect, it is essential that we receive a decision regarding our special exception application by June 6, so that if it is a favorable one, we will have enough time after the 30 day appeal period for the processes of tentative approval, record plat, growth management, building permit etc.

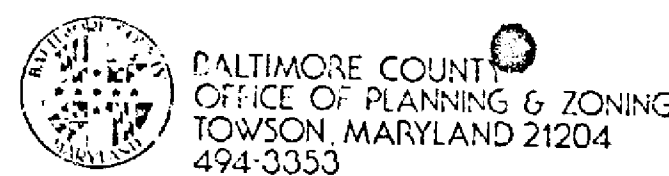
I hope you will convey to Mr. Hammond our appreciation for any consideration he might give us in this matter.

Very truly yours,

*Jonathan W. Kolker*  
Jonathan W. Kolker,  
President

JWK/kc





BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

April 18, 1980

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception  
NE/C Charles St & Kenilworth Dr.  
John L. Strickland, et al  
Case No. 80-220-X

Dear Mr. Howard:

This is to advise you that \$42.00 is due for  
advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and  
remitt to Sondra Jones, Room 113, County Office Building, Towson,  
Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH:sj

March 28, 1980

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

### NOTICE OF HEARING

RE: Petition for Special Exception - NE/C Charles Street & Kenilworth Drive  
John L. Strickland, et al - Case No. 80-220-X

TIME: 1:30 P.M.

DATE: Tuesday, April 29, 1980

PLACE: ROOM 104, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: The Berkshire Corporation  
Jonathan W. Kolker, President  
Suite 322 - The Quadrangle  
Village of Cross Keys  
Baltimore, Maryland 21210

WILLIAM E. HAMMOND  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

March 10, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #153 (1979-1980)  
Property Owner: John L. Strickland, et al  
N/E cor. Charles St. and Kenilworth Dr.  
Existing Zoning: DR 16  
Proposed Zoning: Special Exception for offices.  
Acres: 5.8 District: 9th  
Previous Cases: 72-58R (Item No. 3, Cycle Zoning);  
69-249P; 67-48RX

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office  
for review by the Zoning Advisory Committee in connection with the subject item.

#### General:

This property (5.8 acres) was the subject of review by the Zoning Advisory Committee  
in connection with Item 238 (1968-1969), 69-249-R; and Item 3 of Zoning Cycle I  
(April-October 1971), 72-58-R. Each of those items comprised an overall larger site  
(9.2 acres), a portion of which (3.54 acres) is in process as "Charles Towson Building"  
(Formerly Office Park - L. Stulman), Project 7114. The comments supplied in conjunction  
with the aforementioned Zoning Items are referred to for your consideration. This  
property was also the subject of review by the Baltimore County Joint Subdivision  
Planning Committee February 7, 1980; subsequently Project No. 80019 was assigned.

#### Highways:

Charles Street (Md. 139) and the Baltimore Beltway (I-695) are State Roads; therefore,  
all improvements, intersections, entrances and drainage requirements as they affect the  
roads come under the jurisdiction of the Maryland State Highway Administration. Any  
utility construction within the State Road right-of-way will be subject to the standards,  
specifications and approval of the State in addition to those of Baltimore County.

Kenilworth Avenue, an existing public road, is proposed to be further improved on the  
80-foot right-of-way in this vicinity.

Any additional highway reversible easements for slopes, will be required in  
connection with any grading or building permit application or further development of this  
property. Further information may be obtained from the Baltimore County Bureau of  
Engineering, Highway Design Section and the Maryland State Highway Administration.



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

June 26, 1980

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception  
NE/C Charles Street & Kenilworth Drive - 9th Election  
District  
John L. Strickland, et al -  
Petitioners  
NO. 80-220-X (Item No. 153)

Dear Mr. Howard:

I have this date passed my Order in the above referenced matter in ac-  
cordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH/srl

#### Attachments

cc: William F. C. Marlow, Jr., Esquire  
504 Baltimore Avenue  
Towson, Maryland 21204

Mr. Melville T. Foster, Jr.  
1033 Marleigh Circle  
Towson, Maryland 21204

Mrs. Nancy Hay  
Brookside Lane  
Towson, Maryland 21204

John W. Hession, III, Esquire  
People's Counsel

### EVANS, HAGAN & HOLDEFER, INC.

SURVEYORS AND CIVIL ENGINEERS  
8013 BELAIR ROAD / BALTIMORE, MD. 21236 (301) 668-1501  
570 POPLAR STREET / CAMBRIDGE, MD. 21613 (301) 228-3350  
111 JOHN STREET / WESTMINSTER, MD. 21157 (301) 948-1700  
11 S. WASHINGTON STREET / EASTON, MD. 21601 (301) 822-5433

JANUARY 22, 1980

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION  
FOR OFFICES IN A DR-16 ZONE  
9TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME on the north side of Kenilworth Avenue (80 feet wide) at  
its intersection with the easternmost right of way line of the Baltimore County Belt-  
way - Charles Street Interchange, thence leaving said place of beginning and running  
and binding on said easternmost right of way line, the 3 following courses and dis-  
tances, viz: (1) North 37 degrees 56 minutes 20 seconds West 83.47 feet thence (2)  
North 17 degrees 53 minutes 10 seconds East 435.88 feet and thence (3) North 58 degrees  
47 minutes 30 seconds East 147.19 feet, thence leaving the aforesaid easternmost  
right of way line and running the 2 following courses and distances, viz: (4) South  
60 degrees 53 minutes 20 seconds East 450.15 feet and thence (5) South 14 degrees 08  
minutes 40 seconds West 311.04 feet to intersect the aforesaid north side of Kenil-  
worth Avenue, thence running and binding thereon (6) South 86 degrees 03 minutes 20  
seconds West 527.22 feet to the place of beginning.

Containing 5.8 acres of land, more or less.

NOTE: The above description has been prepared for zoning purposes only and is not  
intended to be used for conveyance.



WESTMINSTER  
RICHARD L. HULL, P.L.S.

#### LAW OFFICES

COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5617  
TOWSON, MARYLAND 21204

July 28, 1980

JAMES H. COOK  
JOHN B. HOWARD  
DAVID O. DOWNES  
DANIEL O. TRACY, JR.  
JOHN H. DINE, III  
JOSEPH C. WICH, JR.  
HENRY B. RECK, JR.  
HERBERT B. DOWNES, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFACE, JR.  
C. CAREY DEELY, JR.

JAMES D. C. DOWNES  
(1908-1979)  
823-4111  
AREA CODE 301

#### HAND DELIVERED

William E. Hammond, Zoning Commissioner  
Baltimore County Office of Planning & Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Item No. 153  
Petition for Special Exception  
Petitioner John L. Strickland, et al  
No. 80-220-X

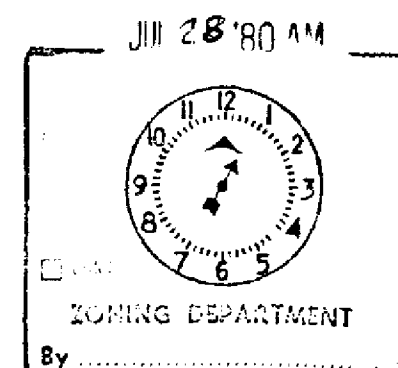
Dear Mr. Hammond:

I herewith note an appeal to the County Board of Appeals  
limited to that part of the Zoning Commissioner's order of June 26,  
1980 denying ancillary or accessory commercial uses within the  
proposed office building and offices.

Sincerely,

John B. Howard

JBH:ecd  
cc: William F. C. Marlow, Jr., Esquire  
cc: Mr. Melville T. Foster, Jr.  
cc: John W. Hession, III, Esquire  
cc: Mrs. Nancy-Bets Hay



John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

cc: Evans, Hagan & Holdefer, Inc.  
8013 Belair Road  
Baltimore, Maryland 21236

### BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 21st day  
of March, 1980.

WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner John L. Strickland, et al  
Petitioner's Attorney John B. Howard, Esq.

Reviewed by Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting August 13, 1980  
Posted for: APPEAL  
Petitioner: JOHN L. STRICKLAND ET AL  
Location of property: NE/C CHARLES ST AND KENILWORTH DRIVE  
Location of Signs: #1 OPPOSITE 1107 KENILWORTH DRIVE  
#2 E/S CHARLES ST. 125' from N.E. of KENILWORTH DRIVE  
Remarks: Thomas E. Beland  
Posted by: Thomas E. Beland Date of return: August 15, 1980  
Number of Signs: TWO

### CERTIFICATE OF PUBLICATION

TOWSON, MD., April 10, 1980

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., on the 22nd  
day of April, 1980, the first publication  
appearing on the 10th day of April, 1980.

THE JEFFERSONIAN  
Manager

Cost of Advertisement, \$

No. 089831

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: May 20, 1980 ACCOUNT: 01-662  
RECEIVED FROM: John B. Howard, Esquire  
FOR: Advertising and Posting for Case No. 80-220-X  
AMOUNT: \$22.00  
BALANCE: 52.00

No. 089865

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: July 28, 1980 ACCOUNT: 01-662  
RECEIVED FROM: Cook, Howard, Downes & Tracy  
FOR: Filing Fee for Appeal of Case No. 80-220-X  
AMOUNT: \$80.00  
BALANCE: 80.00



# PETITION FOR SPECIAL EXCEPTION

8th District  
Zoning: Petition for Special  
Exception.  
Location: Northeast corner of  
Charles Street and Kenilworth  
Drive  
Date & Time: Tuesday, April  
29, 1980 at 1:30 p.m.  
Public Hearing: Room 106,  
County Office Building, 111 W.  
Chesapeake Avenue, Towson,  
Maryland.

The Zoning Commissioner of  
Baltimore County, by authority  
of the Zoning Act and  
Regulations of Baltimore  
County, will hold a public  
hearing.

Petition for Special Exception  
for offices and an office building  
in a D.R. 16 zone.

All that parcel of land in the  
Ninth District of Baltimore  
County

BEGINNING FOR THE  
SAME on the north side of  
Kenilworth Avenue (80 feet  
wide) at its intersection with the  
easternmost right of way line of  
the Baltimore County Beltway,  
Charles Street Interchange,  
thence leaving said place of  
beginning and running and  
binding on said easternmost  
right of way line, the 3 following  
courses and distances, viz: (1)  
north 37 degrees 56 minutes 20  
seconds West 83.47 feet thence  
(2) north 17 degrees 55 minutes  
10 seconds East 425.88 feet and  
thence (3) north 58 degrees 47  
minutes 30 seconds East 147.19  
feet, thence leaving the  
aforesaid easternmost right of  
way line and running the 2  
following courses and distances,  
Viz: (4) south 60 degrees 53  
minutes 20 seconds East 450.15  
feet and thence (5) south 14  
degrees 08 minutes 40 seconds  
West 311.04 feet to intersect the  
aforesaid north side of  
Kenilworth Avenue, thence  
running and binding thereon (6)  
south 56 degrees 03 minutes 20  
seconds West 527.22 feet to the  
place of beginning.

Containing 5.8 acres of land,  
M.L.

Being the property of John L.  
Strickland, et al, as shown on  
plat plan filed with the Zoning  
Department.

Hearing Date:  
TUESDAY, APRIL 29, 1980

AT 1:30 P.M.  
Public Hearing: Room 106,  
County Office Building, 111 W.  
Chesapeake Avenue, Towson,  
Maryland.

BY ORDER OF:  
WILLIAM E. HAMMOND  
Zoning Commissioner of  
Baltimore County.

## The Essex Times

Essex, Md., April 10 1980

This is to Certify, That the annexed

Petition  
Strickland

was inserted in The Essex Times, a newspaper  
printed and published in Baltimore County, once in  
each of one successive

weeks before the 10th day of

April, 1980  
John L. Strickland, et al Publisher.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE, REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 86359

DATE March 28, 1980 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM Arundel Lumber Company, Inc.

FOR Filing Fee for Case No. 80-220-X

34345101

50.00

VALIDATION OR SIGNATURE OF CASHIER

80-220-X  
(Item 153)

9th District

NE/C Charles St. and  
Kenilworth Drive

John L. Strickland, et al

2 SIGNS

WILLIAM F. C. MARLOW, JR.  
ATTORNEY AT LAW

MARLOW & PEDDICORD  
504 BALTIMORE AVENUE  
TOWSON, MARYLAND 21204

(00) 821-1013

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received this 03 day of Jan, 1980

Filing Fee \$ 50 Received: ☒ Check  
☐ Cash  
☐ Other

#153

William E. Hammond, Zoning Commissioner

Petitioner Strickland Submitted by J. Howard  
Petitioner's Attorney J. Howard Reviewed by NBL

\*This is not to be interpreted as acceptance of the Petition for assignment of a  
hearing date.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting APRIL 11, 1980

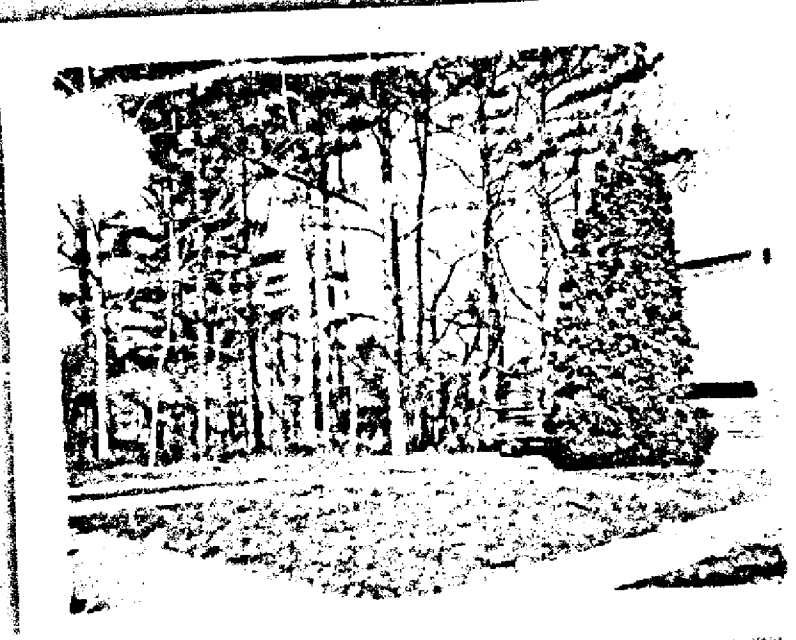
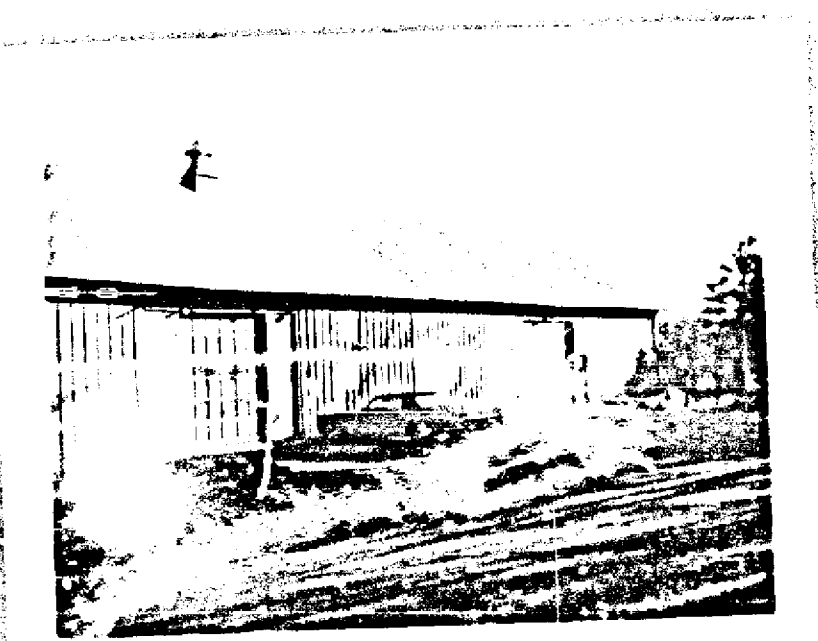
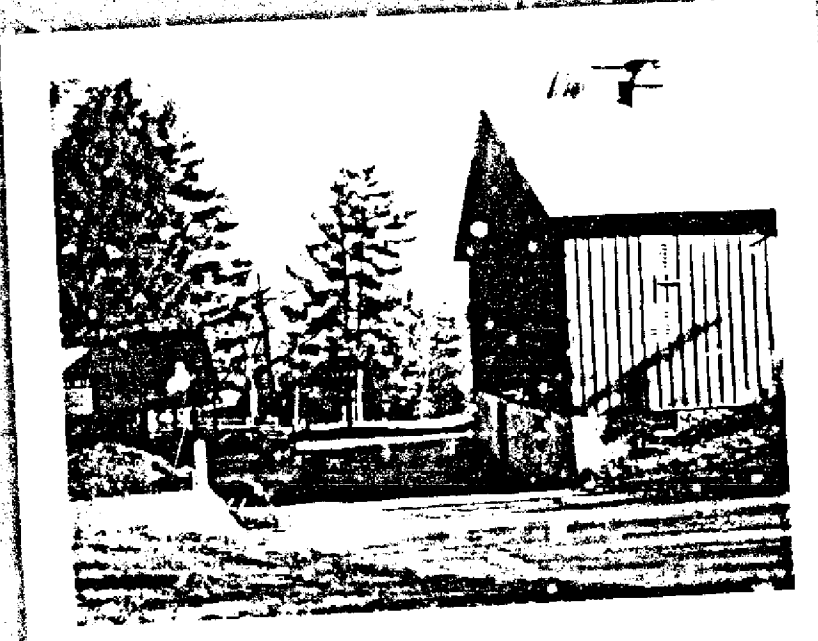
Posted for: PETITION FOR SPECIAL EXCEPTION

Petitioner: JOHN L. STRICKLAND, ET AL

Location of property: NE/C CHARLES STREET & KENILWORTH DRIVE

Location of Signs: ① OPPOSITE 1107 KENILWORTH DRIVE  
② E/S CHARLES ST. 125' TO N OF KENILWORTH DRIVE

Remarks: Thomas L. Roland Date of return: APRIL 18, 1980  
Posted by Signature





# PETITIONER'S EXHIBIT 6

BALTIMORE

BELTWAY

## NOTE:

THE DEVELOPER RESERVES THE RIGHT TO CHANGE THE SHAPE OF THE PROPOSED BLDG. SHOWN HEREIN FOR ASBESTOS REMEDIATION EFFICIENCY OF DESIGN CONSIDERATIONS ONLY. THE DEVELOPER WILL NOT INCREASE THE SQUARE FOOT AREA OR CHANGE THE OVER-ALL LOCATION OF THE BUILDING SHOWN HEREIN.

## LOCATION MAP SCALE: 1"=500'

## GENERAL NOTES

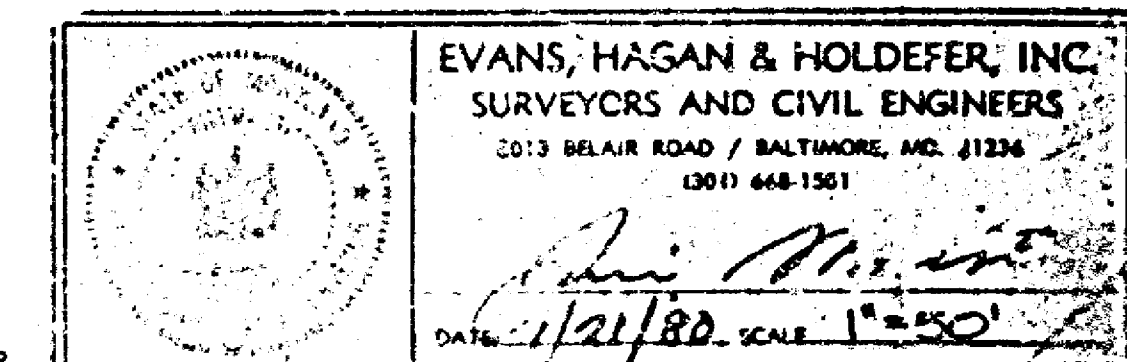
1. Applicant: Owner: John Worley Strickland (Trustee), Mary Strickland Johnson (Trustee), and John L. Strickland (Individually)
2. Area of Property: 5.795 Ac. +/- or 252,130 Sq. Ft. +/-
3. Existing Zoning: DR 16
4. Existing Use: Residential
5. Proposed Zoning: DR 16 With Special Exception For Offices (BCZR Sect 1-202-1)
6. Proposed Use: 5 Story Office Bldg & Ancillary Commercial (8% of total floor area as limited by covenants with Riderwood Hills Community Association)
7. Total Proposed Gross Floor Area: 94,000<sup>±</sup> (18,800<sup>±</sup> per floor)  
Net Leasable Area: 80,000<sup>±</sup> (16,000<sup>±</sup> per floor average)  
Gross Area Ancillary Commercial: 7,520<sup>±</sup>
8. Parking Calculations:  
1<sup>st</sup> Floor Offices: 11,280<sup>±</sup> = 11,280 ÷ 300 = 38  
1<sup>st</sup> Floor Ancillary Comm: 7,520<sup>±</sup> ÷ 200 = 38  
2<sup>nd</sup> thru 5<sup>th</sup> Floor Offices: 75,200 ÷ 500 = 151
9. Total Number of Parking Spaces Required: 38 + 38 + 151 = 227 (2x9 H.C. Spaces)
10. Total Number of Parking Spaces Provided = 320. 9x13 Min. (2x9 H.C. Spcs. - 12x18 Min.)
11. If Medical Offices are to be located on the upper floors, parking must be provided at the rate of 1 Space per 300<sup>±</sup>.
12. Paving in Parking Lot to be Bituminous Concrete.
13. All existing Buildings and Structures to be Razed.
14. Lighting to be installed so as to reflect light away from adjacent Residential Properties.

## PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR AN OFFICE BUILDING IN A DR 16 ZONE

## THE STRICKLAND PROP. 9<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MD.

FOR  
THE BERKSHIRE CORPORATION  
Suite 322  
The Quadrangle  
Village of Cross Keys  
Baltimore, Md. 21210

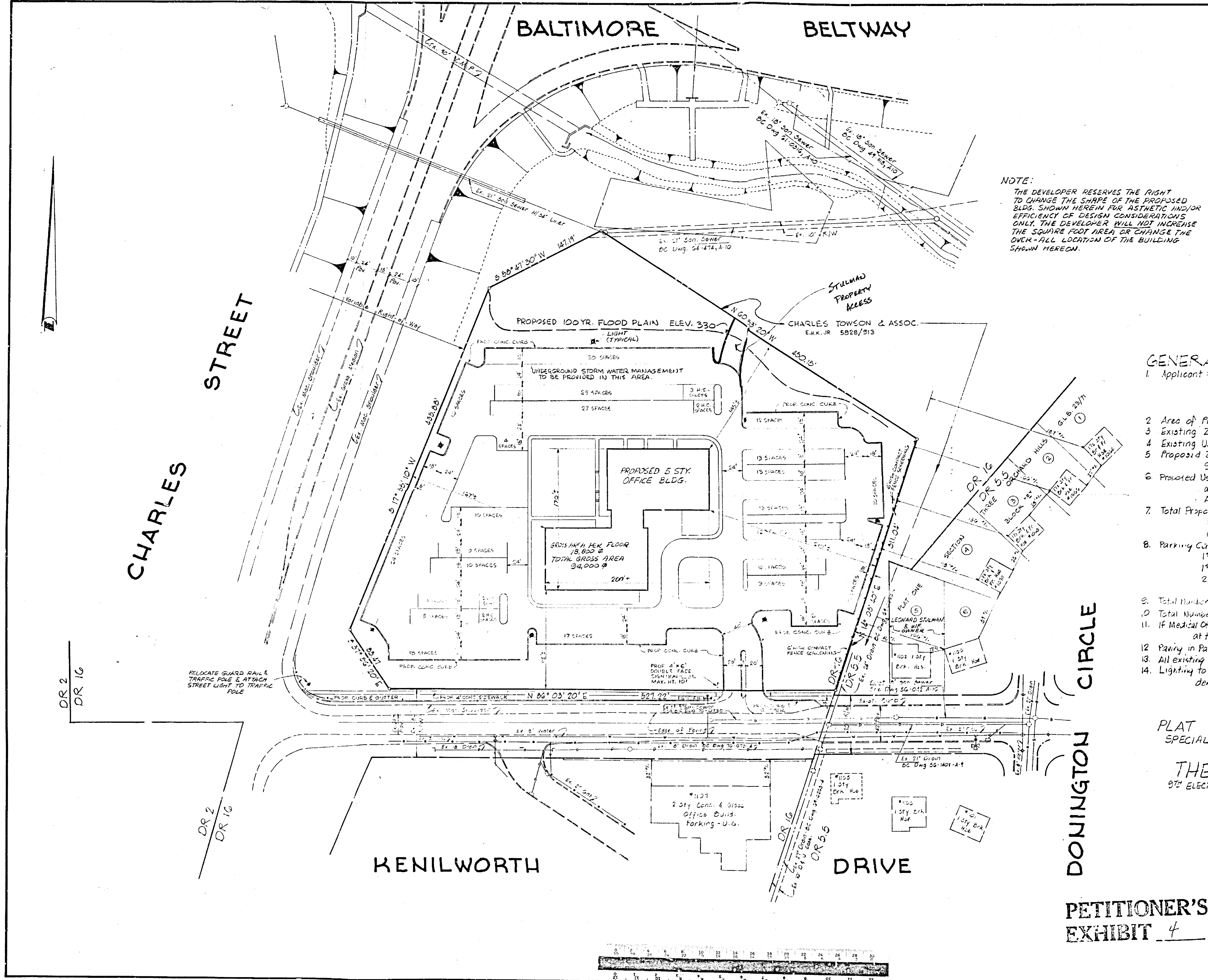
LAND DESIGN/RESEARCH INC. - LANDSCAPE ARCHITECT  
MARKS COOKE SCHACK THOMAS, INC. - ARCHITECT



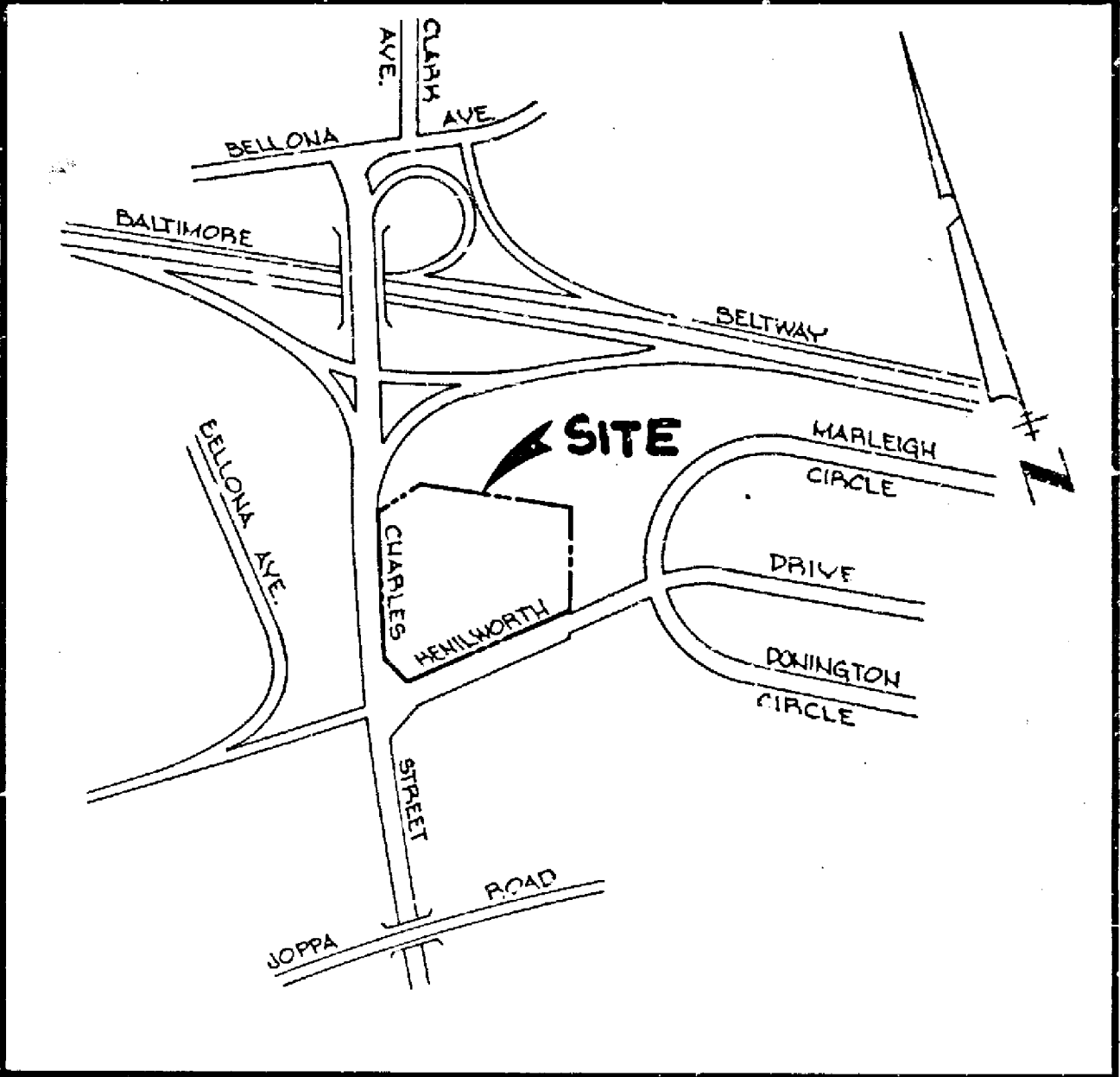
5749

5749





NOTE:  
THE DEVELOPER RESERVES THE RIGHT TO CHANGE THE SHAPE OF THE PROPOSED BLDG. SHOWN HEREIN FOR ASTHETIC AND/OR EFFICIENCY OF DESIGN CONSIDERATIONS ONLY. THE DEVELOPER WILL NOT INCREASE THE SQUARE FOOT AREA OR CHANGE THE OVER-ALL LOCATION OF THE BUILDING SHOWN HEREON.



LOCATION MAP  
SCALE: 1"=500'

GENERAL NOTES

1. Applicant: Owner: John Warley Strickland (Trustee), Mary Strickland Johnson (Trustee), and John L. Strickland (Individually)
2. Contract Purchaser: The Berkshire Corporation
3. Area of Property: 5.715 Ac. +/- or 252,430 Sq. Ft. +/-
4. Existing Zoning: DR 16
5. Existing Use: Residential
6. Proposed Zoning: DR 16 With Special Exception For Offices (BC ZR Sect. 1-802-1)
7. Proposed Use: 5 Story Office Bldg. & Ancillary Commercial (8% of total floor area as limited by covenants with Riderwood Hills Community Association).
8. Total Proposed Gross Floor Area: 94,000<sup>±</sup> (18,800<sup>±</sup> per floor)  
Net Leasable Area: 80,000<sup>±</sup> (16,000<sup>±</sup> per floor average).  
Gross Area Ancillary Commercial: 7,520<sup>±</sup>
9. Parking Calculations:  
1<sup>st</sup> Floor Office: 11,280<sup>±</sup> = 11,280 - 300 = 38  
1<sup>st</sup> Floor Ancillary Comm = 7,520<sup>±</sup> + 200 = 38  
2<sup>nd</sup> thru 5<sup>th</sup> Floor Offices = 75,200 + 500 = 151
10. Total Number of Parking Spaces Required = 38 + 38 + 151 = 227 (± 9 A.C. Spaces)
11. Total Number of Parking Spaces Provided = 320' x 18' min. (± 9 A.C. Spcs. - 12 x 18' min.)
12. If Medical Offices are to be located on the upper floors, parking must be provided at the rate of 1 Space per 305<sup>±</sup>.
13. Paving in Parking Lot to be Bituminous Concrete.
14. All existing Buildings and Structures to be Razed.
15. Lighting to be installed so as to reflect light away from adjacent Residential Properties.

PLAT TO ACCOMPANY PETITION FOR  
SPECIAL EXCEPTION FOR AN OFFICE BUILDING  
IN A DR 16 ZONE

THE STRICKLAND PROP.  
9<sup>th</sup> ELECTION DISTRICT BALTIMORE COUNTY, MD.

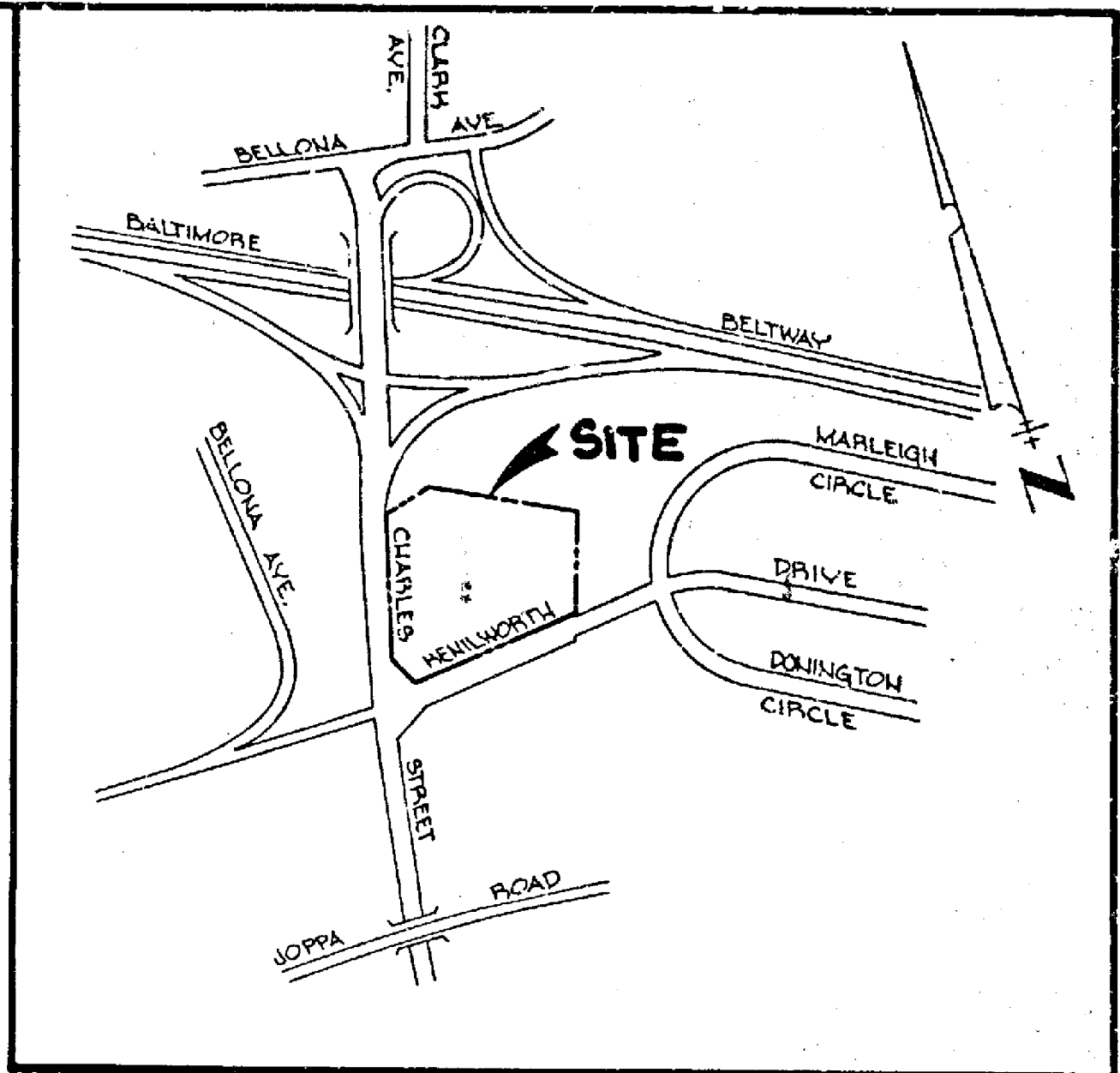
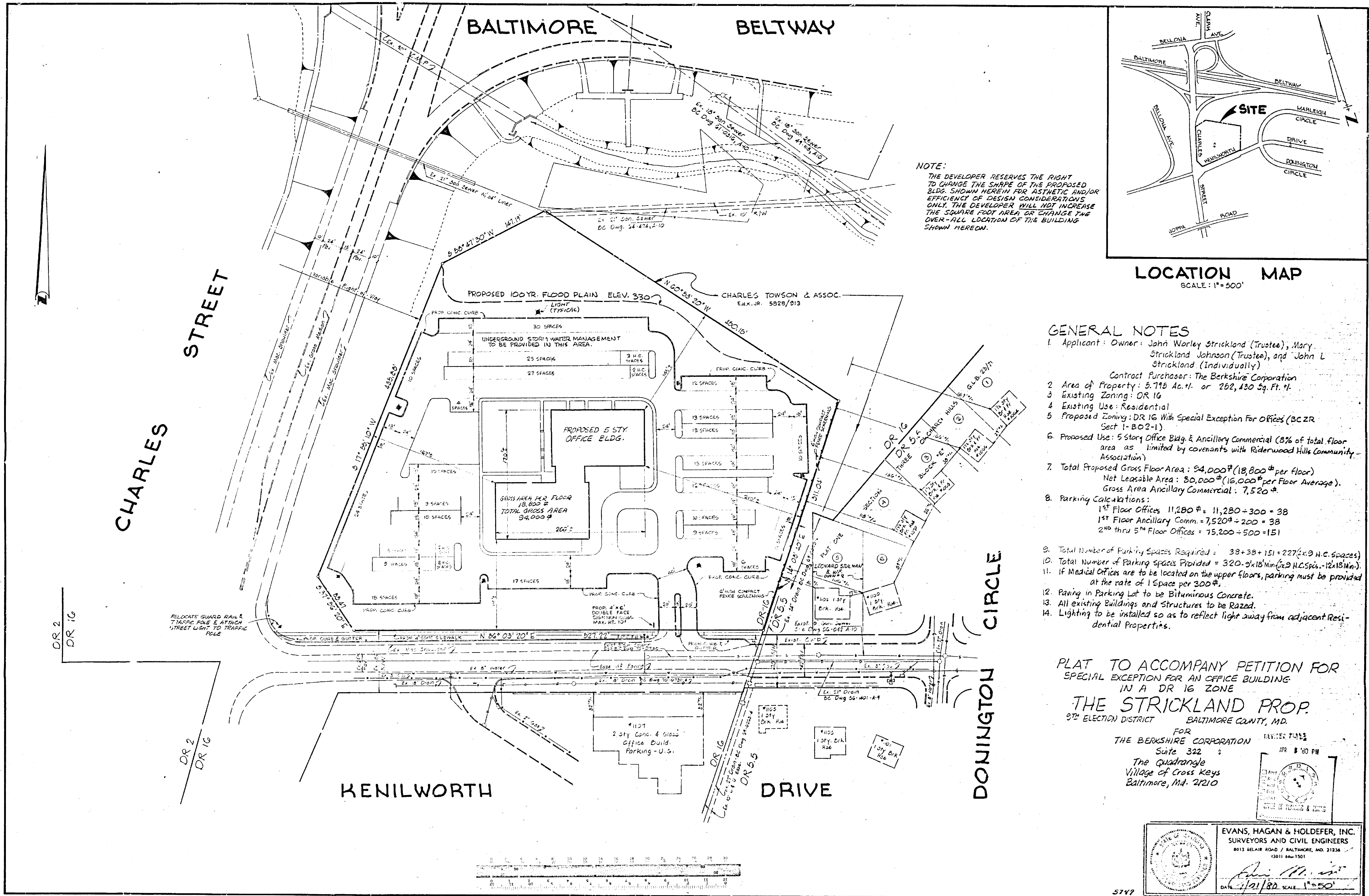
FOR  
THE BERKSHIRE CORPORATION  
Suite 322  
The Quadrangle  
Village of Cross Keys  
Baltimore, Md. 21210

PETITIONER'S  
EXHIBIT 4



EVANS, HAGAN & HOLDEFER, INC.  
SURVEYORS AND CIVIL ENGINEERS  
2513 BELAIR ROAD / BALTIMORE, MD. 21236  
13011 668-1501  
DATE: 1/21/80 SCALE: 1"=50'





LOCATION MAP  
SCALE: 1"=500'

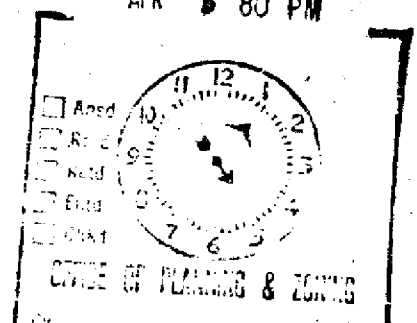
GENERAL NOTES


1. Applicant: Owner: John Worley Strickland (Trustee), Mary Strickland Johnson (Trustee), and John L Strickland (Individually)  
Contract Purchaser: The Berkshire Corporation
2. Area of Property: 5.795 Ac. +/- or 252,430 Sq. Ft. +/-
3. Existing Zoning: DR 16
4. Existing Use: Residential
5. Proposed Zoning: DR 16 With Special Exception for Offices (BCZR Sect 1-B02-1)
6. Proposed Use: 5 Story Office Bldg. & Ancillary Commercial (8% of total floor area as limited by covenants with Ridewood Hills Community Association)
7. Total Proposed Gross Floor Area: 94,000<sup>±</sup> (18,800<sup>±</sup> per floor)  
Net Leasable Area: 80,000<sup>±</sup> (16,000<sup>±</sup> per Floor Average).  
Gross Area Ancillary Commercial: 7,520<sup>±</sup>
8. Parking Calculations:  
1<sup>st</sup> Floor Offices 11,280<sup>±</sup> = 11,280 ÷ 300 = 38  
1<sup>st</sup> Floor Ancillary Comm. = 7,520<sup>±</sup> ÷ 200 = 38  
2<sup>nd</sup> thru 5<sup>th</sup> Floor Offices = 75,200 ÷ 300 = 151
9. Total Number of Parking Spaces Required = 38 + 38 + 151 = 227 (x 9 H.C. spaces)
10. Total Number of Parking Spaces Provided = 320 - 9' x 18' Min. (x 9 H.C. spaces - 12' x 18' Min.)
11. If Medical Offices are to be located on the upper floors, parking must be provided at the rate of 1 Space per 300<sup>±</sup>.
12. Paving in Parking Lot to be Bituminous Concrete.
13. All existing Buildings and Structures to be Razed.
14. Lighting to be installed so as to reflect light away from adjacent Residential Properties.

PLAT TO ACCOMPANY PETITION FOR  
SPECIAL EXCEPTION FOR AN OFFICE BUILDING  
IN A DR 16 ZONE

THE STRICKLAND PROP.  
9<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MD.

FOR  
THE BERKSHIRE CORPORATION  
Suite 322  
The Quadrangle  
Village of Cross Keys  
Baltimore, Md. 21210





EVANS, HAGAN & HOLDEFER, INC.  
SURVEYORS AND CIVIL ENGINEERS  
8013 BELAIR ROAD / BALTIMORE, MD. 21236  
(301) 566-1501

DATE: 4/21/80 SCALE: 1"=50'









MARKS • COOKE • SCHACK • THOMAS, INC.  
ARCHITECTURE / PLANNING / INTERIORS / URBAN DESIGN

219 WEST JOPPA ROAD • BALTIMORE, MARYLAND 21204 • (301) 823-6744

November 5, 1980

Messrs. Ted Burnham, and  
John Bryan, Fire Protection Engineer  
Baltimore County  
Plans Review Division  
Baltimore County Office Building  
Towson MD 21204

Re: Our Job No. 928  
Strickland Property  
Charles Street at Kenilworth  
5 story, ±94,000 sq. ft. gross

Dear Sirs:

Pursuant to our meeting of November 3, 1980 regarding the above project, I am writing to record the various items discussed.

- Item 1 - re: State Hi-Rise Law - If building exceeds 75' in height from lowest floor level exposed to grade to top of roof parapet (not including Mechanical Penthouse), entire building must be sprinklered. (Building as designed is less than 75'.)
- Item 2 - Standpipes are required.
- Item 3 - Stairs must continue by way of access corridors to grade with 2 hour protection and no tenant doors opening onto same.
- Item 4 - Roof access can be with roof hatches and ladders located in two stair wells.
- Item 5 - Any entrance door to an office suite must be a 'C' label door and frame with closer.
- Item 6 - All tenant separations vertical and horizontal must be one hour (Incidental uses classified as Mercantile, etc. shall be separated as per Table 902).
- Item 7 - Plenums are allowed provided all requirements of 905.10 are followed plus mechanical and electrical codes.

7218  
80-220-X

MARKS • COOKE • SCHACK • THOMAS, INC.  
ARCHITECTURE / PLANNING / INTERIORS / URBAN DESIGN

November 5, 1980  
Messrs. Burnham and Bryan  
Baltimore County  
Page 2

- Item 8 - Building must be classified as 2B protected non-com construction based on 5 story - 65' average height.

Table 305 - 22,500 s.f./flr. - 30% (Table 305.4)  
- 6,750  
15,750

30' min. clr. perimeter = +150% = 33,750

49,500/floor maximum area/floor

- Item 9 - In order to have an atrium as designed, structure must be two separate buildings, each with two stairwells so that atrium is not used for required exits. Atrium must be separated by 2 hour walls and must be sprinklered (standpipes can be used as risers).
- Item 10- Openings from office areas to atrium will be considered if designed with 1/4" wire glass in metal frames plus fire shutters with 165° fusible link.

Sincerely,

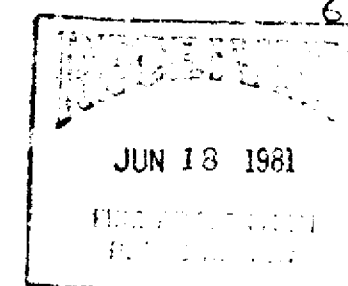
MARKS, COOKE, SCHACK, THOMAS, INC.

Paul J. Marks, AIA

PJM:slm

cc: Mr. Jonathan Kolker  
P.C.I. Engineers, Inc.  
Skarda and Rickert

Item #9 was required  
by the Baltimore County  
Fire Prevention Plans Review  
Section in order to meet  
the State Life Safety Code



6-18-81  
John Bryan  
Fire Prot. Eng.  
Fire Prevention Bureau



MARKS • COOKE • SCHACK • THOMAS, INC.  
ARCHITECTURE / PLANNING / INTERIORS / URBAN DESIGN

219 WEST JOPPA ROAD • BALTIMORE, MARYLAND 21204 • (301) 823-6744

June 18, 1981

Mr. William E. Hammond  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Petition for Special Exception  
NE/corner of Charles Street and  
Kenilworth Drive - 9th Election  
District  
John L. Strickland, et al -  
Petitioners  
NO. 80-220-X (Item No. 153)

Dear Mr. Hammond:

As discussed this morning, there are two matters that need to be addressed with respect to the filing of the site plan for the building permit in the above matter.

The zoning plat upon which the special exception was granted indicated the depth of the two office towers and connecting atrium to be 170 feet plus or minus. As a result of meetings with the Plans Review Division we were required to install four stairwells (see Item 9 of a copy of my letter dated November 5, 1980 which is attached). Two of the stairwells were required to be located where we had proposed to locate our elevators. This necessitated relocation of the elevators within the atrium increasing the size of the atrium by 7 feet.

The second matter has to do with the deletion of a ramp between two parking lots on the west or Charles Street side of the property. Final topographical studies of the property indicated a steeper slope than expected and also identified a large stand of old trees: pines with magnolia and locust interspersed. In order to save these lovely trees and to avoid a steep ramp it was decided to eliminate the same. The parking plan remains the same as that depicted on the zoning plat.

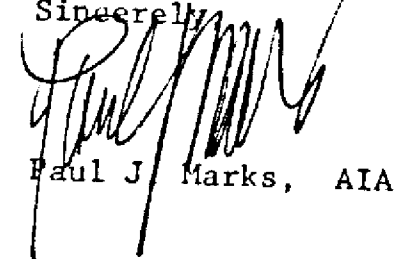
Mr. William E. Hammond

-2-

June 18, 1981

Due to the very strict contractual requirements under which we find ourselves it is respectfully requested that the permit application be approved by your office and the same will be resubmitted today.

Sincerely,



Paul J. Marks, AIA

PJM:rm





MARKS • COOKE • SCHACK • THOMAS, INC.  
ARCHITECTURE / PLANNING / INTERIORS / URBAN DESIGN

219 WEST JOPPA ROAD • BALTIMORE, MARYLAND 21204 • (301) 823-6744

June 18, 1981

Mr. William E. Hammond  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Petition for Special Exception  
NE/corner of Charles Street and  
Kenilworth Drive - 9th Election  
District  
John L. Strickland, et al -  
Petitioners  
NO. 80-220-X (Item No. 153)

Dear Mr. Hammond:

As discussed this morning, there are two matters that need to be addressed with respect to the filing of the site plan for the building permit in the above matter.

The zoning plat upon which the special exception was granted indicated the depth of the two office towers and connecting atrium to be 170 feet plus or minus. As a result of meetings with the Plans Review Division we were required to install four stairwells (see Item 9 of a copy of my letter dated November 5, 1980 which is attached). Two of the stairwells were required to be located where we had proposed to locate our elevators. This necessitated relocation of the elevators within the atrium increasing the size of the atrium by 7 feet.

The second matter has to do with the deletion of a ramp between two parking lots on the west or Charles Street side of the property. Final topographical studies of the property indicated a steeper slope than expected and also identified a large stand of old trees: pines with magnolia and locust interspersed. In order to save these lovely trees and to avoid a steep ramp it was decided to eliminate the same. The parking plan remains the same as that depicted on the zoning plat.

Mr. William E. Hammond

-2-

June 18, 1981

Due to the very strict contractual requirements under which we find ourselves it is respectfully requested that the permit application be approved by your office and the same will be resubmitted today.

Sincerely,

Paul J. Marks, AIA

PJM:rm



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

February 14, 1984

Ms. Sarah Lobe, President  
Comfort Care, Inc.  
5 Farmhouse Court  
Baltimore, Maryland 21208

and

Mr. Michael Hollander  
The Berkshire Corporation  
Suite 204  
The Gatehouse at North Park  
Cockeysville, Maryland 21030

RE: Proposed Office  
The Exchange Building  
1122 Kenilworth Drive -  
9th Election District

Dear Ms. Lobe and Mr. Hollander:

Reference is made to your visit to this office on Thursday, February 9, 1984, at which time you requested advice as to whether or not a proposed use is permitted by the Baltimore County Zoning Use Regulations applicable to the subject property. At the close of the meeting, the prospective tenant, Ms. Lobe, composed a letter to the Zoning Commissioner indicating the function of the proposed business. The function was described as an office which is operated to service patients; the service being to provide fittings of various prosthetic devices to individuals referred by physicians. Most of the fittings are done in a hospital, physical therapist office, or in the home of the patient. However, on occasion, an individual may visit the office if convenient to do so. There is no display of products and the staff of the prospective tenant includes a secretary and a certified fitter.

Please be advised that the Zoning Office records indicate that while the subject property is classified O-1 (Office Building), The Exchange Building was constructed by way of a Special Exception for an office building under the D.R.16 (Density, Residential) Zone. The D.R.16 Special Exception permits only office uses while the O-1 Zone permits some commercial uses. In the instant case, it appears that the prospective tenant's use does fall within an office use,

Case File

Zoning Commission of Baltimore  
Office Building.

Towson, Md.

Attention: Jim Dyer

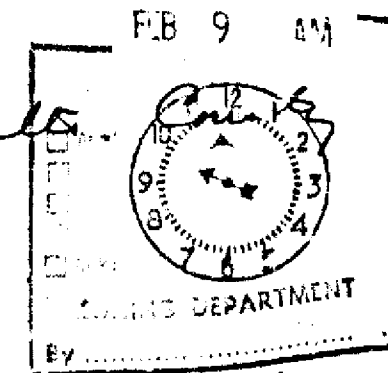
Gentlemen:

I write to ask your office for  
to whether my proposed office fits  
within proposed the requirements of office  
space under the O-1 Zoning.

The name of my business is Comfort  
Care, Inc. (NE 007) (1122 Kenilworth Drive)  
The purpose of the space would be as an  
office for which I operate to serve my  
patients. The service that I provide is the  
fitting of various prosthetic devices to individuals  
referred to me by a physician. These individuals  
include Prosthetists & Orthopedists.

On occasion an individual may visit my  
office if convenient to do so, however most  
fittings are done in a hospital, physical therapist  
office or in the home.

There is no display of products and they  
are manufactured out of state by special  
order and sent to me for delivery to the  
individuals. EXISTING ZONING O-1  
9th Dist.



My office staff includes myself, a  
secretary and a certified fitter.

Kindly advise as soon as possible  
as I would like to occupy the space  
by March 1, and must have to be  
done in the way of ordering stationary,  
business cards, etc.

Please contact me at:

Sarah Lobe, President  
Comfort Care, Inc.  
5 Farmhouse Ct.  
Balt. Md. 21208  
486-6882

Very truly yours,  
Sarah Lobe

P.S. Also Contact  
Mike Hollander  
667-8700

Michael Hollander  
Suite 204 The Berkshire Corp.  
The Gatehouse AT North Park  
Cockeysville, 21030



# PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County to use the herein described property for offices and an office building in a CR-15 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
THE BERKSHIRE CORPORATION  
(Type or Print Name)

By: Jonathan W. Kolker, President  
Suite 322, The Quadrangle  
The Village of Cross Keys  
Baltimore, Maryland 21210  
City and State

Attorney for Petitioner:

John B. Howard  
(Type or Print Name)  
John B. Howard  
Signature

210 Allegheny Avenue  
Address  
Towson, Maryland 21204  
City and State

Attorney's Telephone No.: 823-4111

Legal Owner(s):

JOHN L. STRICKLAND  
(Type or Print Name)

John L. Strickland  
Signature

JOHN WORLEY STRICKLAND, Trustee  
(Type or Print Name)

John Worley Strickland  
Signature

MARY STRICKLAND JOHNSON, Trustee  
(Type or Print Name)

Mary Strickland Johnson  
Signature

(See attached for respective addresses)  
City and State

Name and telephone number of legal owner, contract purchaser or representative to be contacted

John Worley Strickland  
Name  
611 Henderson Road - Bel Air, Md. 21014  
City and State  
Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of April, 1980, at 11:30 o'clock P.M.

John B. Howard  
Zoning Commissioner of Baltimore County.

Z.O.-No. 1

(over)

#80-220-X  
JOHN L. STRICKLAND, et al  
NE/C of Charles St. &  
Kenilworth Drive  
9th District

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 18, 1980

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ooc  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No. 153  
Petitioner-John L. Strickland, et al  
Special Exception Petition

Dear Mr. Howard:

Enclosed are the comments from the Department of Traffic Engineering that were submitted subsequent to my written comments of April 17, 1980.

If you have any questions, please feel free to contact me at 494-3391.

Very truly yours,  
Nicholas B. Commodari  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Evan Hagan & Holdefer, Inc.  
8013 Belair Rd.  
Baltimore, Md. 21236

Item #153 (1979-1980)  
Property Owner: John L. Strickland, et al  
Page 2  
March 10, 1980

### Highways: (Cont'd)

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

### Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

### Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Storm drains, if required in connection with any further development of this property, are to be designed and constructed in accordance with Baltimore County Standards and Specifications.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

### Water and Sanitary Sewer:

There is an 8-inch public water main and also a 48-inch transmission water main in Kenilworth Drive.

The 21-inch Worley's Run Supplementary Sanitary Interceptor Sewer traverses the northernmost corner of this property (Drawing #64-0474, File 1).

Additional drainage and utility easements may be required within this property.

Very truly yours,

Ellsworth N. Diver  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:RWB:SS

cc: J. Somers, W. Munchel  
S-SE Key Sheet, 43 NW 3 Pos. Sheet  
NW 11 A Topo, 60 and 69 Tax Maps  
Attachments

## BALTIMORE COUNTY, MARYLAND

### PLANNING CORRESPONDENCE

TO: Planning Department  
FROM: Ellsworth N. Diver, P.E.  
DATE: May 6, 1971

SUBJECT: Item #153 (April - October Cycle 1971)  
Property Owner: Leonard Stulman, et al  
Location: NE corner Charles Street and the Beltway  
Present Zoning: D.R. 16  
Proposed Zoning: Industrial, to B.U.  
District: 903 Sector: Central  
No. Acres: 9.2

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### Highways:

Charles Street and the Baltimore Valley are State Roads; therefore, all improvements, intersections and entrances on these roads will be subject to State Roads Commission requirements.

Kenilworth Drive is an existing County Road, which shall ultimately be improved to major collector standards. (See Baltimore County Drawing #70-0732 (51) Highway Improvements to this site, including curb and gutter, sidewalks and entrances in accordance with the standards of the Baltimore County Department of Public Works for a 48-foot closed road section on an 80-foot right-of-way will be required for any grading or building permit application.

### Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

No provisions for accommodating storm water or drainage have been indicated on the subject plan; however, a storm drainage study and facilities will be required in accordance with Baltimore County standards.

### Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings below this property, and sediment control is required by State law. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #153 (April - October Cycle 1971)  
Property Owner: Leonard Stulman, et al  
Page 2  
May 6, 1971

### Sediment Control: (Cont'd)

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading and building permits.

### Waters:

Public water facilities are available to benefit this property.

Supplementary fire hydrants and improvements to the public system may be required for adequate protection.

Service within the site from the public system must be in accordance with the Baltimore County Building, Plumbing and Fire Prevention Codes. The service connection to the meter shall be in accordance with the standards of the Baltimore County Department of Public Works.

### Sanitary Sewer:

Public sanitary sewer facilities are available to benefit this property.

Improvements to the public system may be required for adequate service.

The Petitioner is entirely responsible for the construction of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

Ellsworth N. Diver  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:RWB:SS  
Key Sheet: S-SE  
Petition Sheet: 43 NW 3  
Topo: NW 11 A  
Tax Map: 69

Baltimore County  
Department of Traffic Engineering  
TOWSON, MARYLAND 21204  
(410) 434-3550

STEPHEN E. COLLINS  
DIRECTOR

April 17, 1980

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 153 - ZAC Meeting of February 5, 1980  
Property Owner: John L. Strickland, et al  
Location: NE/C Charles Street and Kenilworth Drive  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices

Acres: 5.8  
District: 9th  
Previous Cases: 72-58-R (Item No. 3, Cycle Zoning); 69-249-R; 67-48-RX

Dear Mr. Hammond:

The proposed special exception for general offices can be expected to generate approximately 1,150 additional trips.

The following improvements will be required with the development of this site:

1. Road widening 25 feet off centerline of Kenilworth Drive.
2. Standard sidewalk section.
3. Relocate signal pole.
4. Relocate guard rail property side of sidewalk.

Very truly yours,

Michael S. Flanagan  
Michael S. Flanagan  
Traffic Engineering Associate II

MSF/mjm



Cycle Zoning No. 3  
April 22, 1971

238. Property Owner: John L. Strickland  
Location: W/E corner Charles St. Ave. and Kenilworth Dr.

District: 9th  
Present Zoning: R-6  
Proposed Zoning: EL  
No. Acres: (9.2)

#### Highways:

Access to this site shall be from Kenilworth Avenue, an existing road which shall ultimately be improved with a 16-foot combination curb and gutter and macadam paving cross-section on an 80-foot right-of-way.

Charles St. Avenue is a State Road; therefore, this site will be subject to State Roads Commission review and all street improvements and entrance locations on this road will be subject to State Roads Commission requirements.

#### Storm Drains:

The Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or other drainage facilities, would be the full responsibility of the Applicant.

Considerable storm drainage improvements will be required to develop this site as proposed; therefore, a drainage study will be required before proceeding with any grading or construction.

#### Sediment Control:

Development of this property through stripping, grading, and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit, therefore, is necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to a reviewed and approved prior to the issuance of any grading or building permits.

#### Sever:

Public sanitary sewerage is available to serve this property.

The Applicant is entirely responsible for the construction, and the cost of the construction and maintenance, of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Permit.

The Applicant is cautioned as to the disposal of industrial wastes. Wastes detrimental to the public sewer system, or to the functioning of the sewage pumping stations and/or treatment plants, shall be treated or disposed of as found necessary and directed by the Administrative Authority or other authority having jurisdiction.

Item 238  
Property Owner: John L. Strickland  
Page 2

#### Water:

Public water supply is available to serve this property.

RMD:sw

"S" S.E. Key Sheet  
43 N.W. 3 Position Sheet  
N.W. 11A 200' Scale Topo



## Maryland Department of Transportation

State Highway Administration

James J. O'Donnell  
Secretary  
M. S. Catrider  
Administrator

February 14, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Feb. 5, 1980  
ITEM: 153.  
Property Owner: John L. Strickland, et al  
Location: NE/C Charles St. (Route 139) & Kenilworth Dr.  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices.  
Acres: 5.8  
District: 9th  
Previous Cases: 72-58-R (Item No. 3, Cycle Zoning); 69-249-R; 67-48-RX

Dear Mr. Hammond:

The proposed 5 story office building will generate a considerable amount of traffic to the intersection of Charles Street and Kenilworth Drive. In order to accommodate this traffic, Kenilworth Drive must be widened to provide two through lanes in each direction and a left turn storage lane. A suitable radius return must be provided.

The plan must be revised prior to a hearing date being assigned.

A portion of the site appears to be within the 100 year flood plane. No filling of this area will be permitted. This could affect the proposed development.

Very truly yours,

Charles Lee, Chief  
Bureau of Engineering  
Access Permits

By: John E. Meyers

CLJEM:vrd

My telephone number is (301) 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3211

JOHN D. SEYFFERT  
DIRECTOR

March 11, 1980

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #153, Zoning Advisory Committee Meeting, February 5, 1980, are as follows:

Property Owner: John L. Strickland, et al  
Location: NE/C Charles St and Kenilworth Dr.  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices  
Acres: 5.8  
District: 9th  
Previous Cases: 72-58-R (Item #3, Cycle Zoning); 69-249-R; 67-48-RX

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The adjacent property owners names should be indicated on the site plan.

Joint access should be provided with this site and the site to the northeast.

As many trees as possible should be saved.

Exterior lighting should be of the cut-off design type.

If medical offices are to be located on the upper floors, parking must be provided at the rate of 1 space for each 300 square feet.

Very truly yours,  
John L. Wimbley  
John L. Wimbley  
Planner III  
Current Planning and Development



BALTIMORE COUNTY  
DEPARTMENT OF HEALTH  
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.  
DEPUTY STATE & COUNTY HEALTH OFFICER

March 21, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #153, Zoning Advisory Committee meeting of February 5, 1980, are as follows:

Property Owner: John L. Strickland, et al  
Location: NE/C Charles Street & Kenilworth Drive  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices  
Acres: 5.8  
District: 9  
Previous Cases: 72-58-R (Item No. 3, Cycle Zoning); 69-249-R; 67-48-RX

Metropolitan water and sewer are available; therefore, no health hazards are anticipated.

Prior to construction of the proposed office building, all sewage disposal systems and underground fuel tanks should be abandoned and backfilled in an approved manner.

Prior to new installation/s of fuel burning equipment the owner should contact the division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

Very truly yours,

Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

IJF/nw

CC--Air Pollution



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. REINCKE  
CHIEF

February 27, 1980

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

Re: Property Owner: John L. Strickland, et al

Location: NE/C Charles St. & Kenilworth Dr.

Item No: 153 Zoning Agenda: 2-5-80

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 200 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Along Kenilworth Avenue.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Ian J. Forrest, Director  
Noted and Approved: George M. Maganelli  
Planning Group Fire Prevention Bureau  
Special Inspection Division



baltime county  
department of permits and licenses  
TOWSON, MARYLAND 21204  
(301) 434-3610

Ted Zaleski, Jr.  
DIRECTOR

February 4, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #153 Zoning Advisory Committee Meeting, February 5, 1980 are as follows:

Property Owner: John L. Strickland, et al  
Location: NE/C Charles Street & Kenilworth Drive  
Existing Zoning: D.R. 16  
Proposed Zoning: Special Exception for offices

Previous Cases: 72-58-R (Item No. 3, Cycle Zoning); 69-249-R; 67-48-RX

Acres: 5.8  
District: 9th

The items checked below are applicable:

X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1978 Edition, State of Maryland Code for the Handicapped and aged and other applicable codes.

X B. A building permit shall be required before construction can begin.

X C. Additional \_\_\_\_\_ permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

H. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.

X J. Comment: Plans do not show existing structures to be razed. Compliance with Handicapped Code is not indicated. Compliance to energy requirements is required.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,  
Charles E. Burnham, Chief  
Plans Review

CEB:rrj

## BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: February 7, 1980

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: February 5, 1980

RE: Item No: 151, 152, 153, 154, 155, 156, 157  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,  
Wm. Nick Petrovich, Assistant  
Department of Planning

NNP/bp



August 5, 1980

Case No. 80-220-X  
Item No. 153

NE/C of Charles Street and  
Kenilworth Drive  
9th District  
John L. Strickland, et al

4-for offices and office building in  
a DR 16 zone.

1. Copy of Petition
2. Copy of Description of Property
3. Copy of Certificate of Posting *2 signs*
4. Copy of Certificates of Publication *4/1/80*
5. Copy of Zoning Advisory Committee Comments
6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
8. Copy of Order to Enter Appearance, John W. Hessian, III
9. Copy of Order - Zoning Commissioner, *6-26-80*
10. Copy of Plat of Property
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits      to
17. Petitioners' Exhibits 1 to 6 *Argument, letter, plat*
18. Letter of Appeal, John B. Howard, Esquire, *7-28-80*

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

Attorney for Petitioner

John W. Strickland  
611 Henderson Road  
Bel Air, Maryland 21014

Petitioner

John L. Strickland  
929 Cary Road  
Edmonds, Washington 98320

"

Mary Strickland Johnson  
1528 Clyde Drive  
Naperville, Illinois 60540

"

William F.C. Marlow, Jr., Esquire  
504 Baltimore Avenue  
Towson, Maryland 21204

Attorney for Protestants

George T. Quinn  
McCormick Properties, Inc.  
11011 McCormick Road  
Hunt Valley, Md. 21031

Case No. 80-220-X  
Item No. 153  
Page Two

Mrs. Nancy Hay  
Brookside Lane  
Towson, Maryland 21204

Protestant

Mr. Melville T. Foster, Jr.  
1033 Marleigh Circle  
Towson, Maryland 21204

Association Rep

John W. Hessian, III, Esquire  
James E. Dyer

People's Counsel

Request Notification

RECEIVED  
BALTIMORE COUNTY  
AUG 6 2 53 PM '80  
COUNTY BOARD  
OF APPEALS

## PETITIONER'S EXHIBIT 1

### AGREEMENT

CLERK'S NOTATION  
Document submitted for record  
in a condition permitting sub-  
stantive, photographic reproduc-  
tion.

THIS AGREEMENT, made this 7th day of January, 1980, by and between JOHN I. STRICKLAND, individually, and JOHN W. STRICKLAND and MARY S. JOHNSON, Trustees u/w Mary W. Strickland, deceased (hereinafter collectively referred to as the "Owners") and THE BERKSHIRE CORPORATION (hereinafter referred to as the "Developer") and THE RIDERWOOD HILLS COMMUNITY ASSOCIATION, INC. and RONALD and RACHEL HARMAN, DOUGLAS and BETTIE HEISEY, MELVILLE, JR. and JACQUELINE FOSTER, ANTHONY J. and ELIZABETH PEROUTKA and JOHN T. and ALICE M. FEENEY (hereinafter collectively referred to as the "Association").

WHEREAS, the Owners hold the entire fee simple interest in that real property situate in Baltimore County, Maryland and more particularly described in Exhibit A (hereinafter referred to as the "Property"), and

WHEREAS, the Association represents those residents and property owners in the subdivision known as "Riderwood Hills" located adjacent to the Property and shown on Exhibit B (hereinafter referred to as the "Subdivision"), and

WHEREAS, the Owners and the Developer, having entered into a Contract of Sale for the Property, are desirous of insuring a development of the Property which is wholly acceptable to the Association, and

WHEREAS, the Owners and the Association are parties to an agreement dated June 24, 1974 (the "1974 Agreement") governing use and development of the Property, the provisions of which are no longer in accord with the appropriate development of the Property, and now wish to substitute for their respective rights and obligations thereunder the following provisions:

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the Owners, the Developer and the Association agree as follows:

TRANSFER TAX NOT REQUIRED

RECORDED IN BALTIMORE COUNTY  
LIBER 6139 PAGE 344  
AUG 6 1980  
Per *Thomas W. Early*  
Notary Public

LIBER 6139 PAGE 344

1. Office Space; Other Commercial Use. Owners agree that any non-residential buildings or other improvements (hereinafter referred to as "Improvements") which may be constructed on the Property shall contain or allow for no more than eighty thousand (80,000) square feet of rentable floor space for office and related commercial use; provided, further, that any such related commercial use shall be limited to no more than eight percent (8%) of the total square footage of the rentable floor space of the Improvements.

2. Screening. Upon substantial completion of any development of the Property, Owner shall construct and thereafter maintain at its own expense a fence no less than six (6) feet in height approximately located along that portion of the eastern boundary of the Property as shown on the attached Exhibit B; provided, however, that Owners' obligation to construct and maintain such fence as herein provided shall be subject to any state and/or county approval, and easements or restrictions of record.

3. Rodent Infestation. During initial construction of any Improvements on the Property, and for one (1) year after such Improvements are substantially completed, Owners shall bear the cost of any extermination reasonably necessary to control any rodent and/or raccoon infestation in the Subdivision caused by such construction on the Property; provided, however, that Owners' aggregate cost shall not exceed a total of Two Thousand Six Hundred Dollars (\$2,600).

4. Lighting. Any and all exterior lighting used and/or installed in connection with the development and use of the Property shall not unreasonably directly shine on any residential unit presently situated within the Subdivision.

5. Signs. Any free-standing signs not attached to, or a part of, any of the Improvements on the Property, excluding any sign placed on the Property at the request of the Association,

-2-

LIBER 6139 PAGE 345

shall be limited to three in number, with the display portion of each sign to equal no more than forty (40) square feet in area; provided, further, that such free-standing signs may be placed only at the entrance to the Property, at the corner of the Property adjoining the intersection of Charles Street and Kenilworth Avenue, and at any point on that portion of the Property bordering, or closest to, the Baltimore Beltway.

6. Entrance. Upon completion of any Improvements on the Property, access to the Property from Kenilworth Avenue for purposes of vehicular ingress and egress shall be limited to one entrance located at any point except directly opposite 1105 Kenilworth Avenue.

7. Consent to Special Exception and Approval. Upon request by, and at the expense of, Developer and/or Owners, the Association shall promptly join in any request, petition or action for the approval by any and all governmental agencies for the development of the Property together with the construction thereon of any Improvements as herein provided; and including, but not limited to, any modified special exception or zoning proceeding necessary to the development of the Property as herein provided and any action deemed necessary by the Developer and/or the Owners to modify or negate the conditions and terms of a certain Consent Order and a certain Nunc Pro Tunc Order, both of the Circuit Court of Baltimore County dated July 19, 1974 and August 16, 1977, respectively (copies of which are attached hereto as Exhibits C and D), granting a special exception for development of the Property.

8. 1974 Agreement. The 1974 Agreement shall have no further force and effect with respect to the Owners, the Association, the Subdivision and the Property.

9. Request for Change in Use. Notwithstanding the provisions of paragraph 1. above, Developer and/or Owners may

-3-

LIBER 6139 PAGE 346

proceed to request or petition for any commercial and/or residential use upon the first to occur of the expiration of ten (10) years from the date of this Agreement or the cessation of residential use of one-half (1/2) or more of the presently existing residential units located in the subdivision.

10. Binding Effect. The provisions and covenants herein shall run with and be binding upon the Property, and shall inure to the benefit of the successors and assigns of the Association and the Owners. However, those individual members of the Association named hereinabove entered into the 1974 Agreement and are entering into this Agreement only in their representative capacities as members of the Association, and not individually; any further action under, or modification of, this Agreement shall be deemed fully binding if performed by the Association and/or any representatives it may from time to time designate.

11. Transfer to Developer. Upon transfer of the Property to the Developer, or any other transferee, the Developer or such transferee shall assume all of the rights, obligations and liabilities of the Owners under this Agreement, and the Owners shall have no further rights, obligations or liabilities hereunder.

WITNESSES:

THE RIDERWOOD HILLS COMMUNITY  
ASSOCIATION, INC.

By *William E. Osmeier*  
WILLIAM E. OSMEIER, President

*Ronald Harman*  
RONALD HARMAN

*Rachel Harman*  
RACHEL HARMAN

*Douglas Heisey*  
DOUGLAS HEISEY

LIBER 6139 PAGE 347

*Bettie Heisey*  
BETTIE HEISEY

*Melville Foster, Jr.*  
MELVILLE FOSTER, JR.

*Jacqueline Foster*  
JACQUELINE FOSTER

*Anthony J. Peroutka*  
ANTHONY J. PEROUTKA

*Elizabeth Peroutka*  
ELIZABETH PEROUTKA

*John T. Feeny*  
JOHN T. FEENEY

*Alice M. Feeny*  
ALICE M. FEENEY

Association  
THE BERKSHIRE CORPORATION

By *John W. Strickland*  
Developer  
JOHN L. STRICKLAND, individually

*John W. Strickland*  
JOHN W. STRICKLAND

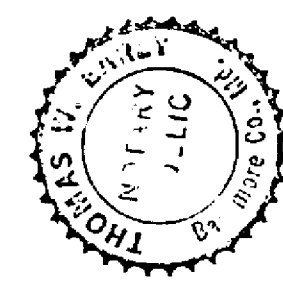
*Mary S. Johnson*  
MARY S. JOHNSON  
Trustees u/w Mary W. Strickland

Owners

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 14th day of December, 1979, before me, the undersigned officer, personally appeared RONALD and RACHEL HARMAN, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



*Thomas W. Early*  
Notary Public  
My commission expires: 7-1-82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 1st day of December, 1979, before me, the undersigned officer, personally appeared DOUGLAS and BETTIE HEISEY, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



*Thomas W. Early*  
Notary Public  
My commission expires: 7-1-82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 30th day of November, 1979, before me, the undersigned officer, personally appeared MELVILLE, JR. and JACQUELINE FOSTER, known to me (or satisfactorily proven)

-6-

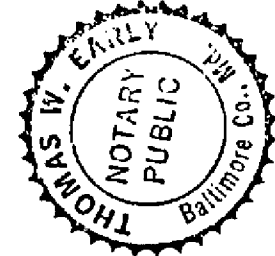
-4-

-5-



to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

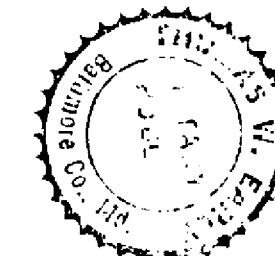


Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 12<sup>th</sup> day of December, 1979, before me, the undersigned officer, personally appeared ANTHONY J. and ELIZABETH PEROUTKA, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

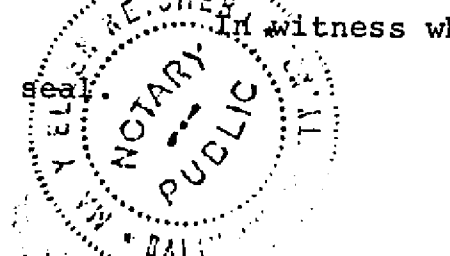


Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 7<sup>th</sup> day of December, 1979, before me, the undersigned officer, personally appeared JOHN T. and ALICE M. FENEY, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

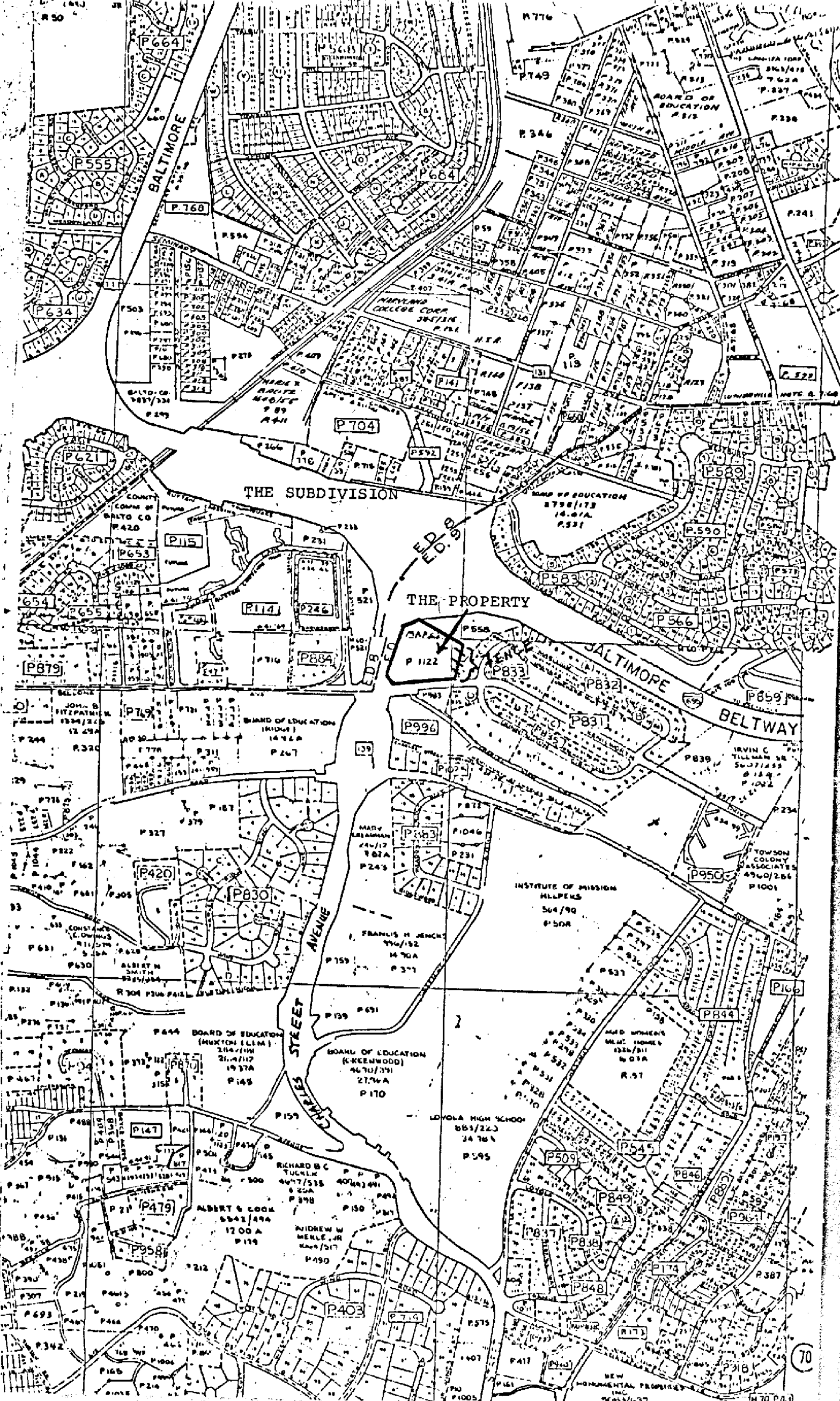
In witness whereof I hereunto set my hand and official seal.



Mary Ellen Richter  
Notary Public  
My commission expires: 7-1-82

LIBER 6139 PAGE 350

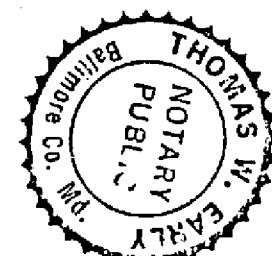
EXHIBIT D



STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 20<sup>th</sup> day of November, 1979, before me, the undersigned officer, personally appeared JONATHAN W. KOLKER who acknowledged himself to be the President of THE BERKSHIRE CORPORATION, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In witness whereof I hereunto set my hand and official seal.



Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

FLORIDA  
STATE OF FLORIDA  
COUNTY OF Collier, SS:

On this the 24<sup>th</sup> day of Dec, 1979, before me, the undersigned officer, personally appeared JOHN L. STRICKLAND, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC STATE OF FLORIDA AT L.A.  
MY COMMISSION EXPIRES MAR. 7 1981  
BONDED THREE THOUSAND FIVE HUNDRED DOLLARS

Marine M. McDonald  
Notary Public  
My commission expires:

STATE OF MARYLAND,  
COUNTY OF Baltimore, SS:

On this the 7<sup>th</sup> day of January, 1980, before me, the undersigned officer, personally appeared JOHN W. STRICKLAND,

-8-

LIBER 6139 PAGE 354

EXHIBIT C

PETITION FOR RECLASSIFICATION ON: \* IN THE  
JOHN L. STRICKLAND, et al. \* CIRCUIT COURT  
\* FOR BALTIMORE COUNTY  
\* Misc. No. 5205

\*\*\*\*\*

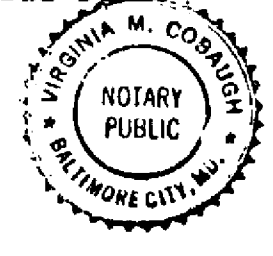
## CONSENT ORDER

It is ORDERED by the Circuit Court for Baltimore County, this 19 day of July, 1974, that the decision and Order of the County Board of Appeals of Baltimore County, dated January 3, 1974 be, and the same hereby is, affirmed in part and modified in part, in that, the denial of the requested reclassification to a Business Local (B.L.) zone is hereby affirmed; and a Special Exception and/or use permit is hereby granted for the construction on said property of office buildings containing a maximum of 200,000 square feet of floor space on the combined 9.2 acres, together with off-street parking of not less than 500 parking spaces to support the same, of which not more than 60,000 square feet of office space will be constructed on the 3.5442 acres parcel owned by Leonard Stulman and Helen R. Stulman, his wife, and not more than 140,000 square feet of office space shall be constructed on the 5.6558 acres parcel owned by John L. Strickland, said Special Exception and/or use permit being limited to substantial compliance with a plat prepared by MCA Engineering Corporation dated May 29, 1974 and revised on June 19, 1974 and filed herewith; except that the entrance shown thereon shall be as close as legally permissible to a point 300 feet east of Charles Street subject however to approval of Baltimore County, Maryland and the State Highway Administration.

Approved as to form:  
W. Lee Harrison  
W. Lee Harrison, Attorney for Appellants  
Richard C. Murray  
Richard C. Murray, attorney for protestants  
FILED JUL 22 1974

Trustee u/w Mary W. Strickland, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

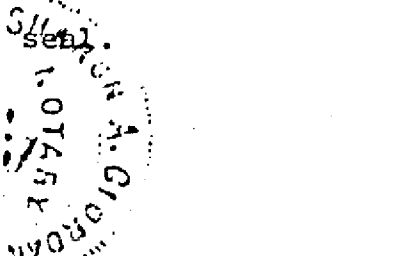


Thomas W. Early  
Notary Public  
My commission expires: 7/1/82

STATE OF MARYLAND,  
COUNTY OF BALTIMORE, SS:

On this the 14<sup>th</sup> day of December, 1979, before me, the undersigned officer, personally appeared MARY S. JOHNSON, Trustee u/w of Mary W. Strickland, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



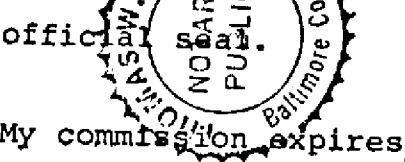
Thomas W. Early  
Notary Public  
My commission expires:

STATE OF MARYLAND

COUNTY OF Baltimore, SS:

On this the 29<sup>th</sup> day of November, 1979, before me, the undersigned officer, personally appeared WILLIAM E. OSMEYER, President of THE RIDGEWOOD HILLS COMMUNITY ASSOCIATION, INC., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



Thomas W. Early  
Notary Public  
My commission expires: 7-1-82

LIBER 6139 PAGE 355

EXHIBIT D

PETITION FOR RECLASSIFICATION ON: \* IN THE CIRCUIT COURT  
JOHN L. STRICKLAND, et al. \* FOR  
BALTIMORE COUNTY  
Misc. No. 5205

## ORDER MUNC PRO TUNC

It is ORDERED by the Circuit Court for Baltimore County this 19 day of August, 1977, Munc Pro Tunc to July 19, 1974, that the decision and Order of the County Board of Appeals of Baltimore County, dated January 3, 1974, be, and the same hereby is, affirmed in part and modified in part, in that, the denial of the requested reclassification to a Business Local (B.L.) zone is hereby affirmed; and a Special Exception and/or use permit is hereby granted for a period of five (5) years from the date hereof for the construction on said property of office buildings containing a maximum of 200,000 square feet of floor space on the combined 9.2 acres, together with off-street parking of not less than 500 parking spaces to support the same, of which not more than 60,000 square feet of office space will be constructed on the 3.5442 acres parcel owned by Leonard Stulman and Helen R. Stulman, his wife, and not more than 140,000 square feet of office space shall be constructed on the 5.6558 acres parcel owned by John L. Strickland, said Special Exception and/or use permit being limited to substantial compliance with a plat prepared by MCA Engineering Corporation dated May 29, 1974 and revised on June 19, 1974 and filed herewith; except that the entrance shown thereon shall be as close as legally permissible to a point 300 feet east of Charles Street subject however to approval of Baltimore County, Maryland and the State Highway Administration; and the Zoning

EXHIBIT A

All that parcel of ground and premises, situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point at the beginning of the 15th or North 54 degrees 02 minutes 00 seconds West 725.37 foot line of land which by Deed dated September 26, 1950, and recorded among the Land Records of Baltimore County in Liber T.S.S. 1886, Folio 236, was conveyed by Mary W. Strickland and husband to Charles H. Stulley, Inc., running thence and binding on part of the 15th line in aforesaid Deed, as now surveyed, North 60 degrees 53 minutes 20 seconds West 450.15 feet to the easternmost right-of-way line of the Baltimore County Beltway - Charles Street Interchange, as shown on the State Roads Commission of Maryland Plat #10607, running thence and binding on the easternmost right-of-way line as shown on the aforesaid Plat #10607, the three following courses and distances: South 58 degrees 47 minutes 30 seconds West 147.19 feet, South 17 degrees 55 minutes 10 seconds West 435.88 feet, South 37 degrees 56 minutes 20 seconds East 83.47 feet to the northernmost right-of-way line of Bellona Avenue South (80 feet wide) as shown on the aforesaid Plat #10607, running thence and binding on the northernmost right-of-way line of Bellona Avenue South as shown on the aforesaid Plat #10607, North 86 degrees 03 minutes 20 seconds East 527.22 feet to intersect the 15th line in aforesaid Deed, Strickland to Stulley, Inc., thence leaving the northernmost right-of-way line of Bellona Avenue South and binding on part of the aforesaid 15th line, as now surveyed, North 14 degrees 08 minutes 40 seconds East 311.04 feet to the place of beginning.

CONTAINING 5.795 acres of land, more or less.

0003-\*\*\* PLAT 2 08-12-81  
0003-\*\*\* PLAT 2 08-12-81

LIBER 6139 PAGE 356

Commissioner of Baltimore County is hereby directed and ordered to issue his Order Munc Pro Tunc in accordance herewith.

H. Kent McDaniel  
Judge



RE: PETITION FOR RECLASSIFICATION  
 NE/corner of Charles Street and  
 Kenilworth Drive - 9th  
 Election District  
 John L. Strickland, et al -  
 Petitioners  
 NO. 72-58-R (Item No. 3)

BEFORE THE  
 ZONING COMMISSIONER  
 OF  
 BALTIMORE COUNTY

Pursuant to the Order Nunc Pro Tunc of the Circuit Court for Baltimore County, dated August 16, 1977, a Special Exception for office buildings and a use permit for parking is hereby GRANTED, for a period of five years from July 19, 1974.

Zoning Commissioner of  
 Baltimore County

Date: September 15, 1977

Rec'd for record - FEB 27 1980 at 10:59  
 Per Elmer H. Hahline, Jr., Clerk  
 Mail to THE TITLE GUARANTEE COMPANY  
 Receipt No. 7-2507

RE: PETITION FOR SPECIAL EXCEPTION :  
 NE/corner of Charles Street and Kenilworth Drive - 9th Election District :  
 John L. Strickland, et al - Petitioners :  
 NO. 80-220-X (Item No. 153) :

BEFORE THE  
 ZONING COMMISSIONER  
 OF  
 BALTIMORE COUNTY

This matter, having been advertised and posted for a public hearing, comes before the Zoning Commissioner as the result of a Petition for Special Exception for an office building and offices in a D.R.16 Zone. Said parcel of land, described as containing 5.8 acres, more or less, is located at the north east corner of the intersection created by Kenilworth Drive and Charles Street (sometimes referred to as Charles Street Avenue).

There have been numerous hearings in the past eleven years pertaining to the subject site, together with property lying adjacent to and north thereof, in which both properties were sought to be reclassified from a D.R.16 Zone to a B.L. Zone as to the combined average of 9.2 acres. These hearings are not of any particular importance, except to the extent that it is significant to note that it has been consistently decided that the subject site is a proper location for an office building and offices, but not for reclassification to a B.L. Zone and the permitted uses provided for therein. This conclusion was manifested in the Nunc Pro Tunc Order of the Circuit Court for Baltimore County, dated August 16, 1977, and the subsequent Order of the then Zoning Commissioner, S. Eric DiNenna, dated September 15, 1977, wherein a special exception for office buildings, for a period of five years from July 19, 1974, and a use permit for parking were granted (Circuit Court Misc. No. 5205 and Zoning Case No. 72-58-R).

With this background, it now becomes necessary to review the testimony and facts presented in support of the present Petition for Special Exception for "offices and an office building in a DR 16 zone", which was necessitated by the five-year utilization period having expired on July 19, 1979.

A review of the description for the subject site discloses a reduction in the acreage to be utilized from that initially proposed, to wit, 9.2 acres, more or less, to 5.8 acres, more or less, and has been brought about by reason of the adjacent property to the north of the subject site being excluded from consideration. The description, as well as the site plan marked Petitioners' Exhibit 4, further indicates that the 5.8 acres, more or less, is bordered on the south by Kenilworth Drive and on the west by Charles Street and lies within a D.R.16 Zone.

A paraphrasing of the Petitioners' testimony is to the effect that the proposed office building was to be five stories in actual height (80,000 square feet), but its height appearance would appear deceptively lower because of the topography, which would minimize the effect on the surrounding residential uses and maximize its compatibility with the neighborhood. Further, the parking arrangement and the Petitioners' desire and intent to save as much natural growth as possible would, of themselves, improve and enhance its acceptability by the community. The Petitioners' experts testified to various aspects of the requirements of Section 502.1 of the Baltimore County Zoning Regulations, all of which culminated into the proposed office building and offices use neither being detrimental to the health, safety, and general welfare of the locality involved nor tend to create a potential hazard from fire, panic, or other dangers; create congestion in roads, streets, or alleys; overcrowd land or cause undue concentration of population; interfere with provisions for schools, parks, water, sewerage, transportation, or other public conveniences or improvements; and interfere with adequate light and air.

In addition, the Petitioners submitted an Agreement between the owners, developer, and The Riderwood Hills Community Association, Inc. dated January 7, 1980, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6139, folio 343 (Petitioners' Exhibit 1).

- 2 -

One area of question involves the Petitioners' proposal to use approximately eight percent of the total rentable floor space for commercial uses, which were described in the testimony as a restaurant for the tenants and a newsstand/tobacco stand. The site plan, in support of the testimony, refers to these commercial uses as being ancillary to the primary use of the property as an office building and offices and alludes to the Agreement with the community association. It was not argued by counsel for the Petitioners that such Agreement would or could negate the legal effect of the regulations to the extent of allowing an illegal use to occur on the basis of an agreement. To do so would make zoning an ineffectual tool of the planning process; therefore, irrespective of the Agreement with the community association, it must be herein determined if the ancillary commercial use of the first floor is a proper use in a D.R.16 Zone where such use is to occur in an office building and is designed for the use of the tenants thereof.

A review of the regulations fails to disclose a definition of the term "ancillary"; however, it would appear that the regulations contemplate the word "ancillary" as being synonymous with "accessory". The term "accessory" is defined as being "A use or structure which—(a) is customarily incidental and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal use or structure served...An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a 'use in combination' (with a service station) shall be considered a principal use."

Section 402.4 of the regulations, entitled "Elevator Apartment Buildings and Office Buildings, Conditions for Accessory Business Uses in—", appears to clearly envision "accessory business uses for the convenience of

- 3 -

tenants"; however, Note 8 to the section states, in part, "...Accessory business uses as described in these provisions were specifically allowable in elevator apartment and office buildings under the R.A. zoning classification, now rescinded, but do not appear to be allowable, according to Article 1B, under the D.R.16 classification (which has superseded the R.A. classification—see Subsection 100.3A)." The legislative history of the aforementioned Subsection 100.3A and Article 1B indicates that Bill No. 100, 1970, was the source for amendment of the regulations by deletion of the R.A. classification and the establishment of D.R.16 as the successor zone. Section 1B02.1, in setting forth uses which are permitted in D.R. Zones either as a matter of right or by special exception, fails to establish commercial uses as ancillary or accessory to an office building and offices. In view of Section 402.4 having been added to the regulations by Bill No. 64, 1960, and Subsection 100.3A and Article 1B by Bill No. 100, 1970, it is clear that Bill No. 100, 1970 repealed Bill No. 64, 1960, to the extent of any inconsistency. Therefore, it is this Commissioner's opinion that commercial uses, as ancillary or accessory to the principal office use, are not now permitted.

The testimony of the Petitioners, indicating their desire to use the subject property for an office building and offices, the presumption of correctness of the D.R.16 zoning, and the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of June, 1980, that the herein Petition for Special Exception for an office building and offices in a D.R.16 Zone should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. All outdoor lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, in order to minimize illumination beyond the subject property.

2. Compliance with the Agreement, dated January 7, 1980, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6139, folio 343, between John L. Strickland, individually, et al, as owners, The Berkshire Corporation, as developer, and The Riderwood Hills Community Association, Inc., Ronald and Rachel Harman, et al, as association, excluding therefrom any provisions, agreement, or stipulation with reference to commercial uses as may be therein contained.

3. A revised site plan, indicating removal therefrom of any ancillary or accessory commercial uses from the proposed office building and offices, shall be submitted and approved by the Maryland Department of Transportation, the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division. Said site plan shall be consistent with the original site plan prepared by Evans, Hagan & Holdefer, Inc., dated January 21, 1980, and marked Petitioners' Exhibit 4, except to the extent that this Order requires the removal therefrom of any references or calculations for commercial uses.

Zoning Commissioner of  
 Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION :  
 NE corner of Charles St. and :  
 Kenilworth Drive, 9th District :  
 JOHN L. STRICKLAND, et al, :  
 Petitioners :  
 Case No. 80-220-X

BEFORE THE ZONING COMMISSIONER  
 OF BALTIMORE COUNTY

#### ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
 Deputy People's Counsel

John W. Hession, III  
 People's Counsel for Baltimore County  
 Rm. 223, Court House  
 Towson, Maryland 21204  
 494-2168

I HEREBY CERTIFY that on this 8th day of April, 1980, a copy of the foregoing Order was mailed to John B. Howard, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorney for Petitioners; and Jonathan W. Kolker, President, The Berkshire Corporation, Suite 322, The Quadrangle, The Village of Cross Keys, Baltimore, Maryland 21210, Contract Purchaser.

John W. Hession, III

RE: PETITION FOR SPECIAL EXCEPTION :  
 for offices and office building in a :  
 DR 16 zone :  
 NE corner of Charles Street and :  
 Kenilworth Drive :  
 9th District :  
 John L. Strickland, et al, :  
 Petitioners :  
 No. 80-220-X

BEFORE  
 COUNTY BOARD OF APPEALS  
 OF  
 BALTIMORE COUNTY

#### ORDER OF DISMISSAL

Petition of John L. Strickland, et al, for a special exception for offices and office building in a DR 16 zone on property located at the northeast corner of Charles Street and Kenilworth Drive, in the Ninth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal filed August 27, 1980, (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioners-Appellants in the above entitled matter.

WHEREAS, the said attorney for the said Petitioners-Appellants request that the appeal filed on their behalf be dismissed and withdrawn as of August 27, 1980.

IT IS HEREBY ORDERED this 29 day of August, 1980, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS  
 OF BALTIMORE COUNTY

John V. Murphy  
 John V. Murphy, Acting Chairman

LeRoy B. Spurrer  
 LeRoy B. Spurrer

Patricia Millhouser  
 Patricia Millhouser



IN RE: PETITION FOR SPECIAL EXCEPTION \*  
NE/ corner of Charles Street and  
Kenilworth Drive - 9th Election \*  
District - John L. Strickland, \*  
et al - Petitioners \*  
No. 80-220-X (Item No. 153) \*

BEFORE THE  
COUNTY BOARD OF APPEALS  
FOR BALTIMORE COUNTY

**NOTICE OF DISMISSAL OF APPEAL**

Mr. Clerk:

On behalf of the Petitioner-Appellant, I hereby dismiss the appeal from the Order of the Zoning Commissioner of Baltimore County heretofore entered up on the above case on June 26, 1980.

*John B. Howard*  
John B. Howard  
Attorney for Petitioner-Appellant

I HEREBY CERTIFY that a copy of the Notice of Dismissal of Appeal was mailed this 27th day of August, 1980 to William F.C. Marlow, Jr., Esquire, Mrs. Nancy Hay, John W. Hessian, III, Esquire and Mr. Melville T. Foster, Jr.

*John B. Howard*  
John B. Howard

RECEIVED  
BALTIMORE COUNTY  
AUG 27 5 40 PM '80  
COUNTY CLERK  
OF APPEALS  
BY:

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

April 17, 1980

**PETITIONER'S  
EXHIBIT 6**

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No. 153  
Petition-John L. Strickland, et al  
Special Exception Petition

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located at the northeast corner of Charles Street and Kenilworth Drive, the subject property is presently improved with a number of dwellings and storage buildings. It is part of the overall property that was the subject of two previous zoning hearings (Case No. 69-249-R and No. 72-58-R). The property to the south across Kenilworth Drive is improved with an office and apartment buildings, while the Beltway, vacant land and individual dwellings exist to the north and east, respectively.

Because of your clients' proposal to raze the existing structures and construct a five story office building, this Special Exception is required. As indicated on the submitted site plan, the shape of the proposed building may be altered at a later date, but the developer "...will not increase the square foot area or change the overall location of the building shown hereon". Because there was uncertainty as to the final design of the proposed building, your engineer decided to put this note on the plan. This would allow some flexibility in the future when the building is designed. I suggest that this matter be clearly discussed at the hearing to determine if there are any problems with this proposal.

Item No. 153  
Special Exception Petition  
April 17, 1980

In accordance with my numerous conversations with Mr. Jerry Witt and Mr. Hagan, it was suggested that any proposed accessory business uses for tenants of the office building be clearly stated at the subject hearing. This is in accordance with Section 402.4 of the zoning regulations. Since that time, the question of whether this Section is still applicable has been raised. After conversation with Mr. Dyer and based on a previous decision in Case No. 73-307-RSPH, it is the interpretation of this office that this Section still applies to the D.R.16, and accessory business uses are allowed.

Particular attention should be afforded to the comments of the Office of Planning, while the revised site plans that were submitted should reflect the distance of the proposed curb along Kenilworth Drive from the centerline. At the time of this writing, the comments from the Department of Traffic Engineering were not available. However, it is my understanding that the comments will concern the proposed improvements to Kenilworth Drive. When they are submitted, I will direct a copy to you. If you have any questions concerning these comments, you may contact Mr. Mike Flanagan at 494-3554. If I can be of any assistance, please feel free to contact me at 494-3391.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Evans, Hagan & Holdefer, Inc.  
8013 Belair Road  
Baltimore, Md. 21236

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

William Hammond  
TO: Zoning Commissioner  
James D. Lucas, Jr., Director  
FROM: Economic Development Commission  
Berkshire Corporation's  
SUBJECT: April 23, 1980 Hearing  
RE: Request for special exception for office building:  
Charles Street, Kenilworth Drive and Baltimore Beltway

Date: April 1, 1980

The Economic Development Commission is supportive of the petitioners' request for a special exception to construct an office building at the above Towson location.

The economic impact of office construction in Baltimore County in 1979 was an important part of our overall economic development efforts. 67% of all office construction in the Baltimore SMSA took place in the County—approximately \$23 million. These capital expenditures will result in property tax revenue of over \$300,000 per annum and provide employment for over 2,000 persons.

There is especially a need for new office space in the Towson area. Presently, the occupancy level of first class office buildings in Towson is about 95%. Absorption of new office space in the Towson area is about 150,000 square feet per annum. We know of no other major office building projected for the Towson area this year.

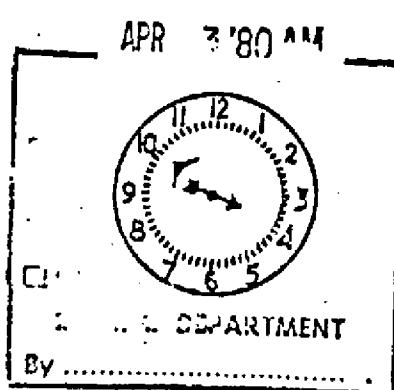
The Berkshire Corporation has been working with the community organizations in the area and Councilwoman Bachur to develop a building that is sensitive to the community's concerns. Berkshire has taken steps to insure that the building is as compatible with its neighbors as is possible.

Based on these facts, the Economic Development Commission supports this request.

*James D. Lucas, Jr.*  
JAMES D. LUCAS, JR.  
Chairman  
Economic Development Commission

JDL:jet

cc: Economic Development Commission



**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Mr. W. E. Hammond  
Zoning Commissioner  
TO: John D. Seyffert, Director  
Office of Planning and Zoning  
FROM: Petition No. 80-220-X Item 153  
SUBJECT: Petition for Special Exception  
Northeast corner of Charles Street and Kenilworth Drive  
Petitioner - John L. Strickland, et al

Date: April 10, 1980

**PETITIONER'S  
EXHIBIT 2**

Petition for Special Exception  
Northeast corner of Charles Street and Kenilworth Drive  
Petitioner - John L. Strickland, et al

Ninth District

HEARING: Tuesday, April 29, 1980 (1:30 P.M.)

This office has reviewed the subject petition and is of the opinion that office use would be appropriate here. If the petitioner's request is granted, it is requested that a detailed landscaping plan submitted to and approved by the Division of Current Planning and Development be required as a condition of the order. Further, it is suggested that the preservation of substantial trees and other vegetation be given every consideration in the final design of the site improvements.

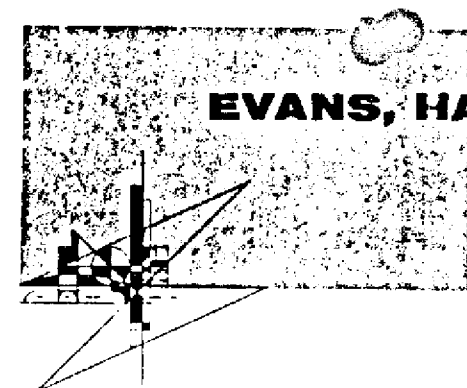
A review of the Zoning Advisory Committee comments as they relate to the proposed paving of Kenilworth Drive and a brief discussion of these matters with the Department of Traffic Engineering indicates that the various governmental agencies do not agree as to details of improvements. It would appear, however, that the 80 foot wide right-of-way delineated on the petitioner's plan will provide sufficient width within which future improvements can be accommodated. It is desirable that the preservation of any substantial trees along the southernmost boundary of the subject property be given careful consideration in determining future road improvements.

In the event that the adjacent vacant parcel of land (labeled on the petitioner's plat as "Charles Towson & Assoc., E.H.K. Jr. 5823/913") is proposed for future development, this office believes that access to Kenilworth Drive should be provided for by one entrance shared with the subject property.

It is noted that the petitioner's plat indicates 7,520 square feet of floor area for ancillary commercial use. This office is of the opinion that commercial uses are not permitted in a D.R.16 zone.

*John D. Seyffert*  
John D. Seyffert, Director  
Office of Planning and Zoning

JDS:JGH:b



**EVANS, HAGAN & HOLDEFER, INC.**

SURVEYORS AND CIVIL ENGINEERS  
8013 BELAIR ROAD / BALTIMORE, MD. 21236 (301) 668-1501  
519 APLIN STREET / CAMBRIDGE, MD. 21613 (301) 228-3350  
111 JOHN STREET / WESTMINSTER, MD. 21157 (301) 858-1790  
11 S. WASHINGTON STREET / EASTON, MD. 21601 (301) 822-5433

JANUARY 22, 1980

**DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION  
FOR OFFICES IN A DR-16 ZONE  
9TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME on the north side of Kenilworth Avenue (80 feet wide) at its intersection with the easternmost right of way line of the Baltimore County Beltway - Charles Street Interchange, thence leaving said place of beginning and running and binding on said easternmost right of way line, the 3 following courses and distances, viz: (1) North 37 degrees 56 minutes 20 seconds West 83.47 feet thence (2) North 17 degrees 55 minutes 10 seconds East 435.88 feet and thence (3) North 58 degrees 47 minutes 30 seconds East 147.19 feet, thence leaving the aforesaid easternmost right of way line and running the 2 following courses and distances, viz: (4) South 60 degrees 53 minutes 20 seconds East 450.15 feet and thence (5) South 14 degrees 08 minutes 40 seconds West 311.04 feet to intersect the aforesaid north side of Kenilworth Avenue, thence running and binding thereon (6) South 86 degrees 03 minutes 20 seconds West 527.22 feet to the place of beginning.  
Containing 5.8 acres of land, more or less.

NOTE: The above description has been prepared for zoning purposes only and is not intended to be used for conveyance.



WESTMINSTER  
MICHAEL L. HULL, P.L.S.

**LAW OFFICES**

COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5307  
TOWSON, MARYLAND 21204

July 28, 1980

JAMES D.C. DOWNES  
(1905-1979)  
823-4111  
AREA CODE 301

**HAND DELIVERED**

William E. Hammond, Zoning Commissioner  
Baltimore County Office of Planning & Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Item No. 153  
Petition for Special Exception  
Petitioner John L. Strickland, et al  
No. 80-220-X

Dear Mr. Hammond:

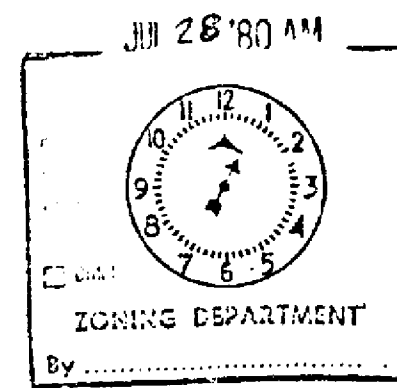
I herewith note an appeal to the County Board of Appeals limited to that part of the Zoning Commissioner's order of June 26, 1980 denying ancillary or accessory commercial uses within the proposed office building and offices.

Sincerely,

*John B. Howard*  
John B. Howard

JBH:ecd

cc: William F. C. Marlow, Jr., Esquire  
cc: Mr. Melville T. Foster, Jr.  
cc: John W. Hessian, III, Esquire  
cc: Mrs. Nancy-Bets Hay



494-3180

**County Board of Appeals**

Room 219, Court House  
Towson, Maryland 21204  
August 28, 1980

John B. Howard, Esq.  
210 Allegheny Ave.  
Towson, Md. 21204

Dear Mr. Howard:

Re: Case No. 80-220-X  
John L. Strickland, et al

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Encl.

cc: John W. Strickland  
John L. Strickland  
Mary S. Johnson  
William F. C. Marlow, Jr., Esq.  
George T. Quinn  
Mrs. Nancy Hay  
Mr. Melville T. Foster, Jr.  
John W. Hessian, Esq.  
J. E. Dyer  
William Hammond



**McCormick Properties, Inc.**

11011 McCormick Road  
Hunt Valley, Maryland 21031  
(801) 667-7700

August 15, 1980

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204

Gentlemen:

Please notify George T. Quinn at the above address when the date of the hearing for Case #80-220-X will be held.

Thank you for your attention to this matter.

Sincerely,

*Linda*

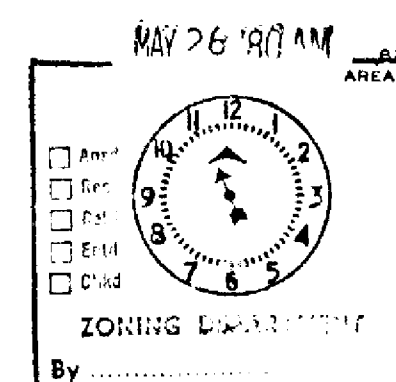
Linda D. Gerety  
Secretary

lmj

RECEIVED  
BALTIMORE COUNTY  
COUNTY BOARD  
OF APPEALS  
Aug 19 11 15 AM '80  
BY: [Signature]

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

May 23, 1980



HAND DEL. TRED

William E. Hammond, Esquire  
Zoning Commissioner  
Baltimore County Office of  
Planning & Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Item No. 153  
Petitioner John L. Strickland, et al  
Special Exception Charles Street and  
Kenilworth Drive

Dear Mr. Hammond:

You may recall our conversation of May 20 at which time I indicated that there existed certain contractual time limitations with respect to your ruling on the above matter which was heard on April 29.

Enclosed please find a copy of a letter that I received from Jonathan Kolker, President of The Berkshire Corporation (Contract Purchaser) in which he has outlined the chronology of this project.

The best information available to Mr. Kolker, at the time, that he was negotiating this matter with the property owners, was that a ruling might be anticipated three-four weeks following the hearing date; and this period of time was structured in the Agreement between the parties.

I personally can fully understand and appreciate the unanticipated number of hearings and resultant backlog that has occurred in your office and most certainly, on behalf of my client, would not seek any type of preference. Whatever might be done, however, to accommodate this rather serious problem would be greatly appreciated.

Kind regards.

Sincerely,

*John B. Howard*  
John B. Howard

JBH:ecd  
Enclosure  
cc: Mr. Jonathan W. Kolker

ADDRESS OF PROPERTY OWNERS

John L. Strickland  
929 Cary Road  
Edmonds, Washington 98820

John W. Strickland, Trustee  
611 Henderson Road  
Bel Air, Maryland 21014

Mary Strickland Johnson, Trustee  
1528 Clyde Drive  
Naperville, Illinois 60540

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

January 22, 1980

William E. Hammond, Zoning Commissioner  
Baltimore County Office of  
Planning and Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Special Exception  
John L. Strickland, et al  
Property Owner  
The Berkshire Corporation  
Contract Purchaser

Dear Mr. Hammond:

We are delivering herewith the required number of zoning plats, legal descriptions and Petition for Special Exception forms with respect to the above-captioned matter.

Representatives of The Berkshire Corporation spoke to Mr. Commodari relative to the practical difficulty of obtaining signatures for two of the property owners: John L. Strickland in the State of Washington and Mary Strickland Johnson in the State of Illinois.

Mr. Commodari stated that the Petition could be accepted for filing, and processing initiated, with the signature of the contract purchaser so long as the signatures of the property owners were obtained and the fully executed petitions filed as soon as practicable. You can be assured that every effort will be made to obtain the signatures as soon as possible.

Thank you for your assistance in this matter.

Very truly yours,

*John B. Howard*  
John B. Howard

JBH:ecd  
Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hammond, Zoning Commissioner  
FROM: James D. Lucas, Jr., Director  
SUBJECT: Berkshire Corporation's  
Request for special exception for office building;  
Charles Street, Kenilworth Drive and Baltimore Beltway

The Economic Development Commission is supportive of the petitioners' request for a special exception to construct an office building at the above Towson location.

The economic impact of office construction in Baltimore County in 1979 was an important part of our overall economic development efforts. 67% of all office construction in the Baltimore SMSA took place in the County--approximately \$23 million. These capital expenditures will result in property tax revenue of over \$300,000 per annum and provide employment for over 2,000 persons.

There is especially a need for new office space in the Towson area. Presently, the occupancy level of first class office buildings in Towson is about 95%. Absorption of new office space in the Towson area is about 150,000 square feet per annum. We know of no other major office building projected for the Towson area this year.

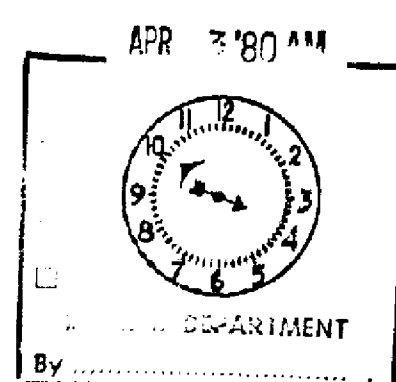
The Berkshire Corporation has been working with the community organizations in the area and Councilwoman Bachur to develop a building that is sensitive to the community's concerns. Berkshire has taken steps to insure that the building is as compatible with its neighbors as possible.

Based on these facts, the Economic Development Commission supports this request.

*James D. Lucas, Jr.*  
JAMES D. LUCAS, JR.

JDL:jet

cc: Economic Development Commission



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond, Zoning Commissioner  
FROM: John D. Seyffert, Director  
SUBJECT: Petition No. 80-220-X Item 153

Petition for Special Exception  
Northeast corner of Charles Street and Kenilworth Drive  
Petitioner - John L. Strickland, et al

Ninth District

HEARING: Tuesday, April 29, 1980 (1:30 P.M.)

This office has reviewed the subject petition and is of the opinion that office use would be appropriate here. If the petitioner's request is granted, it is requested that a detailed landscaping plan submitted to and approved by the Division of Current Planning and Development be required as a condition of the order. Further, it is suggested that the preservation of substantial trees and other vegetation be given every consideration in the final design of the site improvements.

A review of the Zoning Advisory Committee comments as they relate to the proposed paving of Kenilworth Drive and a brief discussion of these matters with the Department of Traffic Engineering indicates that the various governmental agencies do not agree as to details of improvements. It would appear, however, that the 80 foot wide right-of-way delineated on the petitioner's plan will provide sufficient width within which future improvements can be accommodated. It is desirable that the preservation of any substantial trees along the southernmost boundary of the subject property be given careful consideration in determining future road improvements.

In the event that the adjacent vacant parcel of land (labeled on the petitioner's plat as "Charles Towne & Assoc., E.H.K., Jr., 5828/913") is proposed for future development, this office believes that access to Kenilworth Drive should be provided for by one entrance shared with the subject property.

It is noted that the petitioner's plat indicates 7,520 square feet of floor area for ancillary commercial use. This office is of the opinion that commercial uses are not permitted in a D.R.16 zone.

JDS:JGH:ab

*John D. Seyffert*  
John D. Seyffert, Director  
Office of Planning and Zoning

PETITION FOR SPECIAL EXCEPTION

9th District

ZONING: Petition for Special Exception  
LOCATION: Northeast corner of Charles Street and Kenilworth Drive  
DATE & TIME: Tuesday, April 29, 1980 at 1:30 P.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for offices and an office building in a D.R. 16 zone

All that parcel of land in the Ninth District of Baltimore County

Being the property of John L. Strickland, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, April 29, 1980 at 1:30 P.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

The Berkshire Corporation

Suite 322  
The Quadrangle  
The Village of Cross Keys  
Baltimore, Maryland  
21210  
301-322-5000

Jonathan W. Kolker, President  
John B. Startt, Vice President

May 21, 1980

John Howard, Esquire  
Cook, Howard, Downes & Tracy  
210 Allegheny Avenue  
Towson, Maryland 21204

Re: Strickland Property  
Charles Street and Kenilworth Drive

Dear John,

This letter is in response to your request concerning our time constraints with respect to the contract of sale on the captioned property.

The contract of sale is subject to our receiving all necessary governmental approvals for our plan. This has created a critical path of numerous separate consecutive activities.

In this respect, it is essential that we receive a decision regarding our special exception application by June 6, so that if it is a favorable one, we will have enough time after the 30 day appeal period for the processes of tentative approval, record plat, growth management, building permit etc.

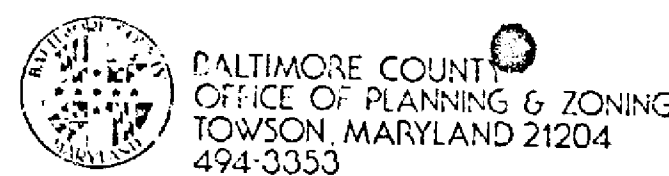
I hope you will convey to Mr. Hammond our appreciation for any consideration he might give us in this matter.

Very truly yours,

*Jonathan W. Kolker*  
Jonathan W. Kolker,  
President

JWK/kc





WILLIAM E. HAMMOND  
ZONING COMMISSIONER

April 18, 1980

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception  
NE/C Charles St & Kenilworth Dr.  
John L. Strickland, et al  
Case No. 80-220-X

Dear Mr. Howard:

This is to advise you that \$62.00 is due for  
advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and  
remitt to Sondra Jones, Room 113, County Office Building, Towson,  
Maryland 21204, before the hearing.

Very truly yours

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH:sj

March 28, 1980

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

### NOTICE OF HEARING

RE: Petition for Special Exception - NE/C Charles Street & Kenilworth Drive  
John L. Strickland, et al - Case No. 80-220-X

TIME: 1:30 P.M.

DATE: Tuesday, April 29, 1980

PLACE: ROOM 104, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: The Berkshire Corporation  
Jonathan W. Kolker, President  
Suite 322 - The Quadrangle  
Village of Cross Keys  
Baltimore, Maryland 21210

WILLIAM E. HAMMOND  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

March 10, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #153 (1979-1980)  
Property Owner: John L. Strickland, et al  
N/E cor. Charles St. and Kenilworth Dr.  
Existing Zoning: DR 16  
Proposed Zoning: Special Exception for offices.  
Acres: 5.8 District: 9th  
Previous Cases: 72-58R (Item No. 3, Cycle Zoning);  
69-249P; 67-48RX

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office  
for review by the Zoning Advisory Committee in connection with the subject item.

#### General:

This property (5.8 acres) was the subject of review by the Zoning Advisory Committee  
in connection with Item 238 (1968-1969), 69-249-R; and Item 3 of Zoning Cycle I  
(April-October 1971), 72-58-R. Each of those items comprised an overall larger site  
(9.2 acres), a portion of which (3.54 acres) is in process as "Charles Towson Building"  
(Formerly Office Park - L. Stulman), Project 7114. The comments supplied in conjunction  
with the aforementioned Zoning Items are referred to for your consideration. This  
property was also the subject of review by the Baltimore County Joint Subdivision  
Planning Committee February 7, 1980; subsequently Project No. 80019 was assigned.

#### Highways:

Charles Street (Md. 139) and the Baltimore Beltway (I-695) are State Roads; therefore,  
all improvements, intersections, entrances and drainage requirements as they affect the  
roads come under the jurisdiction of the Maryland State Highway Administration. Any  
utility construction within the State Road right-of-way will be subject to the standards,  
specifications and approval of the State in addition to those of Baltimore County.

Kenilworth Avenue, an existing public road, is proposed to be further improved on the  
80-foot right-of-way in this vicinity.

Any additional highway reversible easements for slopes, will be required in  
connection with any grading or building permit application or further development of this  
property. Further information may be obtained from the Baltimore County Bureau of  
Engineering, Highway Design Section and the Maryland State Highway Administration.



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

June 26, 1980

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception  
NE/corner of Charles Street and  
Kenilworth Drive - 9th Election  
District  
John L. Strickland, et al -  
Petitioners  
NO. 80-220-X (Item No. 153)

Dear Mr. Howard:

I have this date passed my Order in the above referenced matter in ac-  
cording with the attached.

Very truly yours

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH/srl

#### Attachments

cc: William F. C. Marlow, Jr., Esquire  
504 Baltimore Avenue  
Towson, Maryland 21204

Mr. Melville T. Foster, Jr.  
1033 Marleigh Circle  
Towson, Maryland 21204

Mrs. Nancy Hay  
Brookside Lane  
Towson, Maryland 21204

John W. Hession, III, Esquire  
People's Counsel

### EVANS, HAGAN & HOLDEFER, INC.

SURVEYORS AND CIVIL ENGINEERS  
8013 BELAIR ROAD / BALTIMORE, MD. 21236 (301) 668-1501  
570 POPLAR STREET / CAMBRIDGE, MD. 21613 (301) 228-3350  
111 JOHN STREET / WESTMINSTER, MD. 21157 (301) 948-1700  
11 S. WASHINGTON STREET / EASTON, MD. 21601 (301) 822-5433

JANUARY 22, 1980

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION  
FOR OFFICES IN A DR-16 ZONE  
9TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME on the north side of Kenilworth Avenue (80 feet wide) at  
its intersection with the easternmost right of way line of the Baltimore County Belt-  
way - Charles Street Interchange, thence leaving said place of beginning and running  
and binding on said easternmost right of way line, the 3 following courses and dis-  
tances, viz: (1) North 37 degrees 56 minutes 20 seconds West 83.47 feet thence (2)  
North 17 degrees 53 minutes 10 seconds East 435.88 feet and thence (3) North 58 degrees  
47 minutes 30 seconds East 147.19 feet, thence leaving the aforesaid easternmost  
right of way line and running the 2 following courses and distances, viz: (4) South  
60 degrees 53 minutes 20 seconds East 450.15 feet and thence (5) South 14 degrees 08  
minutes 40 seconds West 311.04 feet to intersect the aforesaid north side of Kenil-  
worth Avenue, thence running and binding thereon (6) South 86 degrees 03 minutes 20  
seconds West 527.22 feet to the place of beginning.  
Containing 5.8 acres of land, more or less.

NOTE: The above description has been prepared for zoning purposes only and is not  
intended to be used for conveyance.



CHRISTINE WILKINSON  
REG. W. MEURLY

WESTMINSTER  
RICHARD L. HULL, P.L.S.

#### LAW OFFICES

COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5617  
TOWSON, MARYLAND 21204

July 28, 1980

JAMES H. COOK  
JOHN B. HOWARD  
DAVID O. DOWNES  
DANIEL O. TRACY, JR.  
JOHN H. DINE, III  
JOSEPH C. WICH, JR.  
HENRY B. PECK, JR.  
HERBERT B. DOWNES, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFACE, JR.  
C. CAREY DEELY, JR.

JAMES D. C. DOWNES  
(1908-1979)  
823-4111  
AREA CODE 301

#### HAND DELIVERED

William E. Hammond, Zoning Commissioner  
Baltimore County Office of Planning & Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Item No. 153  
Petition for Special Exception  
Petitioner John L. Strickland, et al  
No. 80-220-X

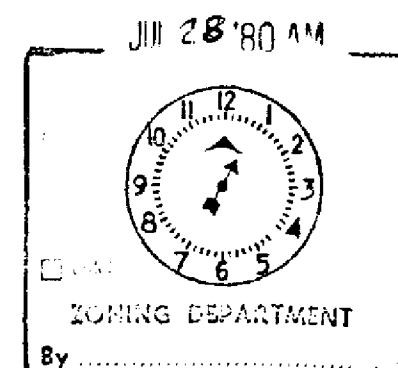
Dear Mr. Hammond:

I herewith note an appeal to the County Board of Appeals  
limited to that part of the Zoning Commissioner's order of June 26,  
1980 denying ancillary or accessory commercial uses within the  
proposed office building and offices.

Sincerely,

John B. Howard

JBH:ecd  
cc: William F. C. Marlow, Jr., Esquire  
cc: Mr. Melville T. Foster, Jr.  
cc: John W. Hession, III, Esquire  
cc: Mrs. Nancy-Bets Hay



John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

cc: Evans, Hagan & Holdefer, Inc.  
8013 Belair Road  
Baltimore, Maryland 21236

### BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 21st day  
of March, 1980.

WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner John L. Strickland, et al  
Petitioner's Attorney John B. Howard, Esq.

Reviewed by Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting August 13, 1980  
Posted for: APPEAL  
Petitioner: JOHN L. STRICKLAND ET AL  
Location of property: NE/C CHARLES ST AND KENILWORTH DRIVE  
Location of Signs: #1 OPPOSITE 1107 KENILWORTH DRIVE  
#2 E/S CHARLES ST. 125' +/- N OF KENILWORTH DRIVE  
Remarks: Thomas E. Beland  
Posted by: Thomas E. Beland Date of return: August 15, 1980  
Number of Signs: TWO

### CERTIFICATE OF PUBLICATION

TOWSON, MD., April 10, 1980

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., on the 22nd  
day of April, 1980, the first publication  
appearing on the 10th day of April, 1980.

THE JEFFERSONIAN  
Manager

Cost of Advertisement, \$

No. 089831

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: May 20, 1980 ACCOUNT: 01-662  
RECEIVED FROM: John B. Howard, Esquire  
FOR: Advertising and Posting for Case No. 80-220-X  
AMOUNT: \$22.00  
BALANCE: 52.00

No. 089865

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: July 28, 1980 ACCOUNT: 01-662  
RECEIVED FROM: Cook, Howard, Downes & Tracy  
FOR: Filing Fee for Appeal of Case No. 80-220-X  
AMOUNT: \$80.00  
BALANCE: 80.00



# PETITION FOR SPECIAL EXCEPTION

8th District  
Zoning: Petition for Special  
Exception.  
Location: Northeast corner of  
Charles Street and Kenilworth  
drive  
Date & Time: Tuesday, April  
29 1980 at 1:30 p.m.  
Public Hearing: Room 106,  
County Office Building, 111 W.  
Chesapeake Avenue, Towson,  
Maryland.

The Zoning Commissioner of  
Baltimore County, by authority  
of the Zoning Act and  
Regulations of Baltimore  
County, will hold a public  
hearing.

Petition for Special Exception  
for offices and an office building  
in a D.R. 16 zone.

All that parcel of land in the  
Ninth District of Baltimore  
County

BEGINNING FOR THE  
SAME on the north side of  
Kenilworth Avenue (80 feet  
wide) at its intersection with the  
easternmost right of way line of  
the Baltimore County Beltway,  
Charles Street Interchange,  
thence leaving said place of  
beginning and running and  
binding on said easternmost  
right of way line, the 3 following  
courses and distances, viz: (1)  
north 37 degrees 56 minutes 20  
seconds West 83.47 feet thence  
(2) north 17 degrees 55 minutes  
10 seconds East 425.88 feet and  
thence (3) north 58 degrees 47  
minutes 30 seconds East 147.19  
feet, thence leaving the  
aforesaid easternmost right of  
way line and running the 2  
following courses and distances,  
Viz: (4) south 60 degrees 53  
minutes 20 seconds East 450.15  
feet and thence (5) south 14  
degrees 08 minutes 40 seconds  
West 311.04 feet to intersect the  
aforesaid north side of  
Kenilworth Avenue, thence  
running and binding thereon (6)  
south 56 degrees 03 minutes 20  
seconds West 527.22 feet to the  
place of beginning.

Containing 5.8 acres of land,  
M.L.

Being the property of John L.  
Strickland, et al, as shown on  
plat plan filed with the Zoning  
Department.

Hearing Date:  
TUESDAY, APRIL 29, 1980

AT 1:30 P.M.

Public Hearing: Room 106,  
County Office Building, 111 W.  
Chesapeake Avenue, Towson,  
Maryland.

BY ORDER OF:

WILLIAM E. HAMMOND  
Zoning Commissioner of  
Baltimore County.

## The Essex Times

Essex, Md., April 10 1980

This is to Certify, That the annexed

Petition  
Strickland

was inserted in The Essex Times, a newspaper  
printed and published in Baltimore County, once in  
each of one successive

weeks before the 10th day of

April, 1980

John D. Wight Publisher.

#80-220-X  
(Item 153)

9th District

NE/C Charles St. and  
Kenilworth Drive

John L. Strickland, et al

2 SIGNS

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE, REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 86359

DATE March 28, 1980 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM Arundel Lumber Company, Inc.

FOR Filing Fee for Case No. 80-220-X

343451001

50.00

VALIDATION OR SIGNATURE OF CASHIER

WILLIAM F. C. MARLOW, JR.  
ATTORNEY AT LAW

MARLOW & PEDDICORD  
504 BALTIMORE AVENUE  
TOWSON, MARYLAND 21204

(00) 821-1013

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received this 03 day of Jan, 1980

Filing Fee \$ 50 Received: ☒ Check

☐ Cash

☐ Other

#153

William E. Hammond, Zoning Commissioner

Petitioner Strickland Submitted by J. Howard

Petitioner's Attorney J. Howard Reviewed by NBL

\*This is not to be interpreted as acceptance of the Petition for assignment of a  
hearing date.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting APRIL 11, 1980

Posted for: PETITION FOR SPECIAL EXCEPTION

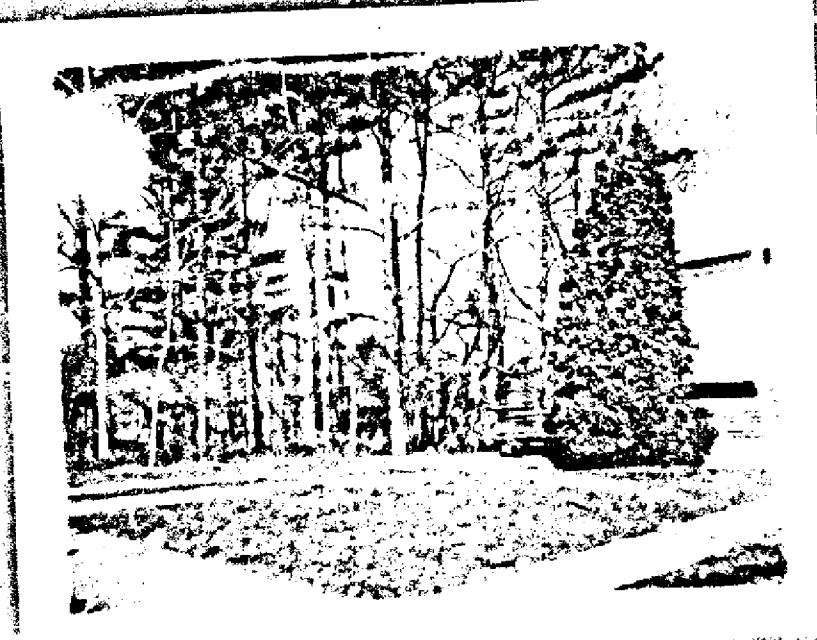
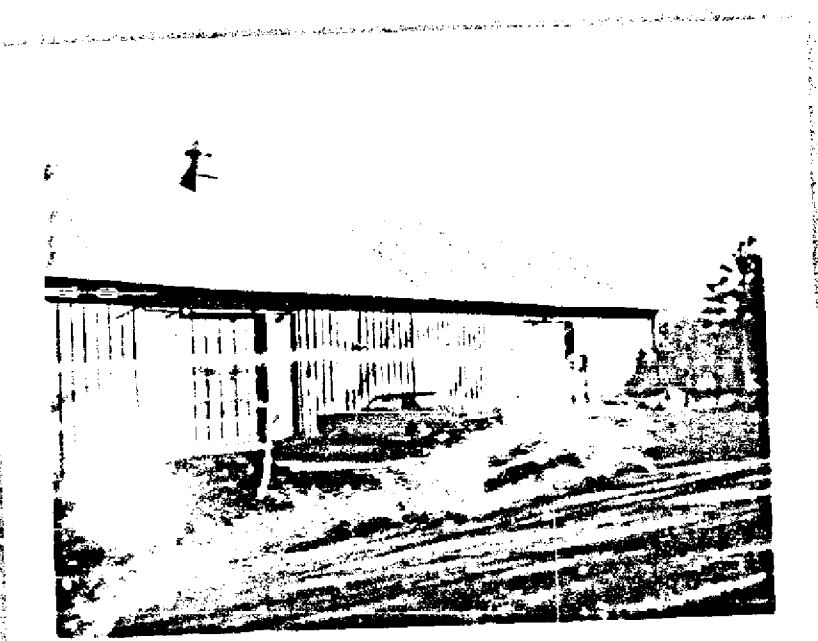
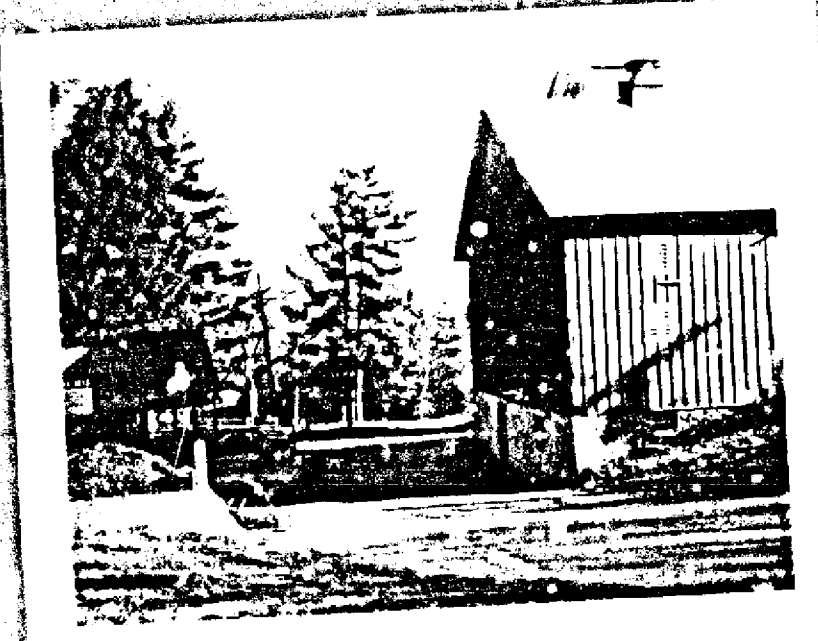
Petitioner: JOHN L. STRICKLAND, ET AL

Location of property: NE/C CHARLES STREET & KENILWORTH DRIVE

Location of Signs: ① OPPOSITE 1107 KENILWORTH DRIVE  
② E/S CHARLES ST. 125' TO N OF KENILWORTH DRIVE

Remarks: Thomas L. Roland Date of return: APRIL 18, 1980

Posted by Thomas L. Roland Signature





# PETITIONER'S EXHIBIT 6

BALTIMORE

BELTWAY

## NOTE:

THE DEVELOPER RESERVES THE RIGHT TO CHANGE THE SHAPE OF THE PROPOSED BLDG. SHOWN HEREIN FOR ASBESTOS REMEDIATION EFFICIENCY OF DESIGN CONSIDERATIONS ONLY. THE DEVELOPER WILL NOT INCREASE THE SQUARE FOOT AREA OR CHANGE THE OVER-ALL LOCATION OF THE BUILDING SHOWN HEREIN.

## LOCATION MAP SCALE: 1"=500'

## GENERAL NOTES

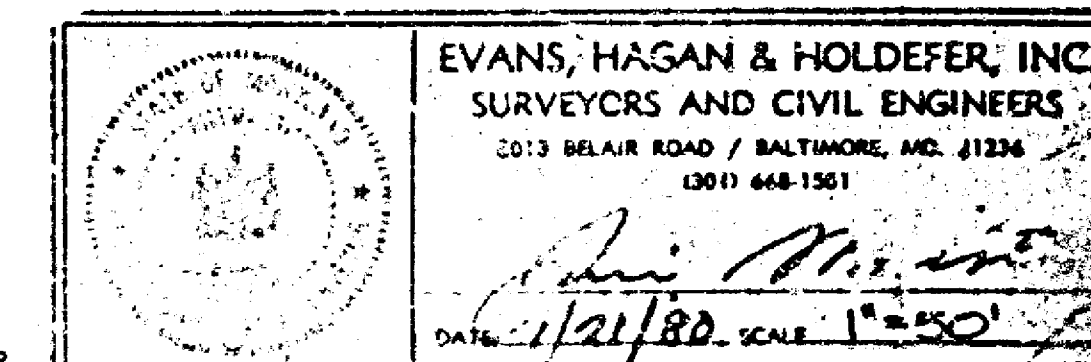
1. Applicant: Owner: John Worley Strickland (Trustee), Mary Strickland Johnson (Trustee), and John L. Strickland (Individually)
2. Area of Property: 5.795 Ac. +/- or 252,130 Sq. Ft. +/-
3. Existing Zoning: DR 16
4. Existing Use: Residential
5. Proposed Zoning: DR 16 With Special Exception For Offices (BCZR Sect 1-202-1)
6. Proposed Use: 5 Story Office Bldg & Ancillary Commercial (8% of total floor area as limited by covenants with Riderwood Hills Community Association)
7. Total Proposed Gross Floor Area: 94,000<sup>±</sup> (18,800<sup>±</sup> per floor)  
Net Leasable Area: 80,000<sup>±</sup> (16,000<sup>±</sup> per floor average)  
Gross Area Ancillary Commercial: 7,520<sup>±</sup>
8. Parking Calculations:  
1<sup>st</sup> Floor Offices: 11,280<sup>±</sup> = 11,280 ÷ 300 = 38  
1<sup>st</sup> Floor Ancillary Comm: 7,520<sup>±</sup> ÷ 200 = 38  
2<sup>nd</sup> thru 5<sup>th</sup> Floor Offices: 75,200 ÷ 500 = 151
9. Total Number of Parking Spaces Required: 38 + 38 + 151 = 227 (2x9 H.C. Spaces)
10. Total Number of Parking Spaces Provided = 320. 9x13 Min. (2x9 H.C. Spcs. - 12x18 Min.)
11. If Medical Offices are to be located on the upper floors, parking must be provided at the rate of 1 Space per 300<sup>±</sup>.
12. Paving in Parking Lot to be Bituminous Concrete.
13. All existing Buildings and Structures to be Razed.
14. Lighting to be installed so as to reflect light away from adjacent Residential Properties.

## PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR AN OFFICE BUILDING IN A DR 16 ZONE

## THE STRICKLAND PROP. 9<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MD.

FOR  
THE BERKSHIRE CORPORATION  
Suite 322  
The Quadrangle  
Village of Cross Keys  
Baltimore, Md. 21210

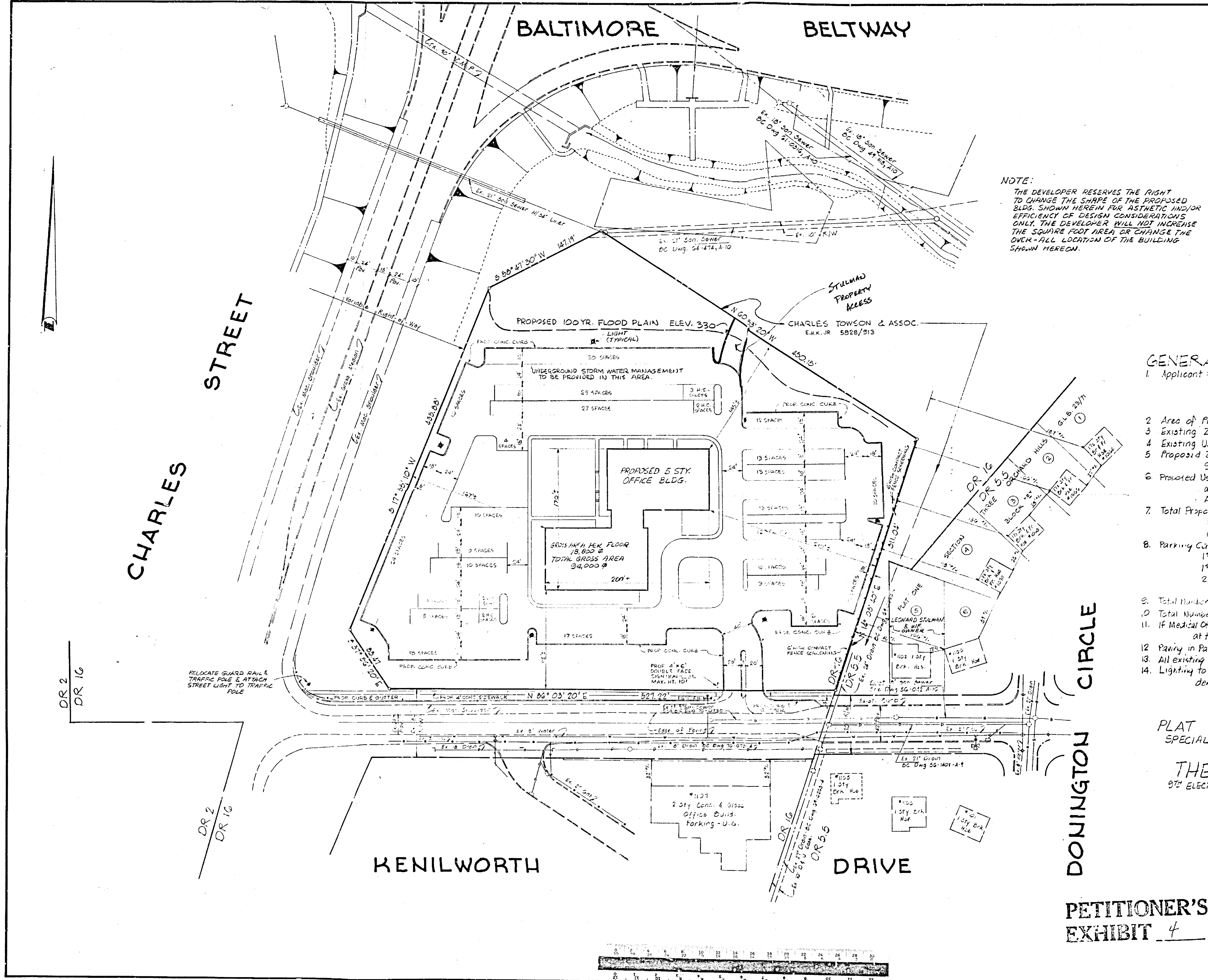
LAND DESIGN/RESEARCH INC. - LANDSCAPE ARCHITECT  
MARKS COOKE SCHACK THOMAS, INC. - ARCHITECT



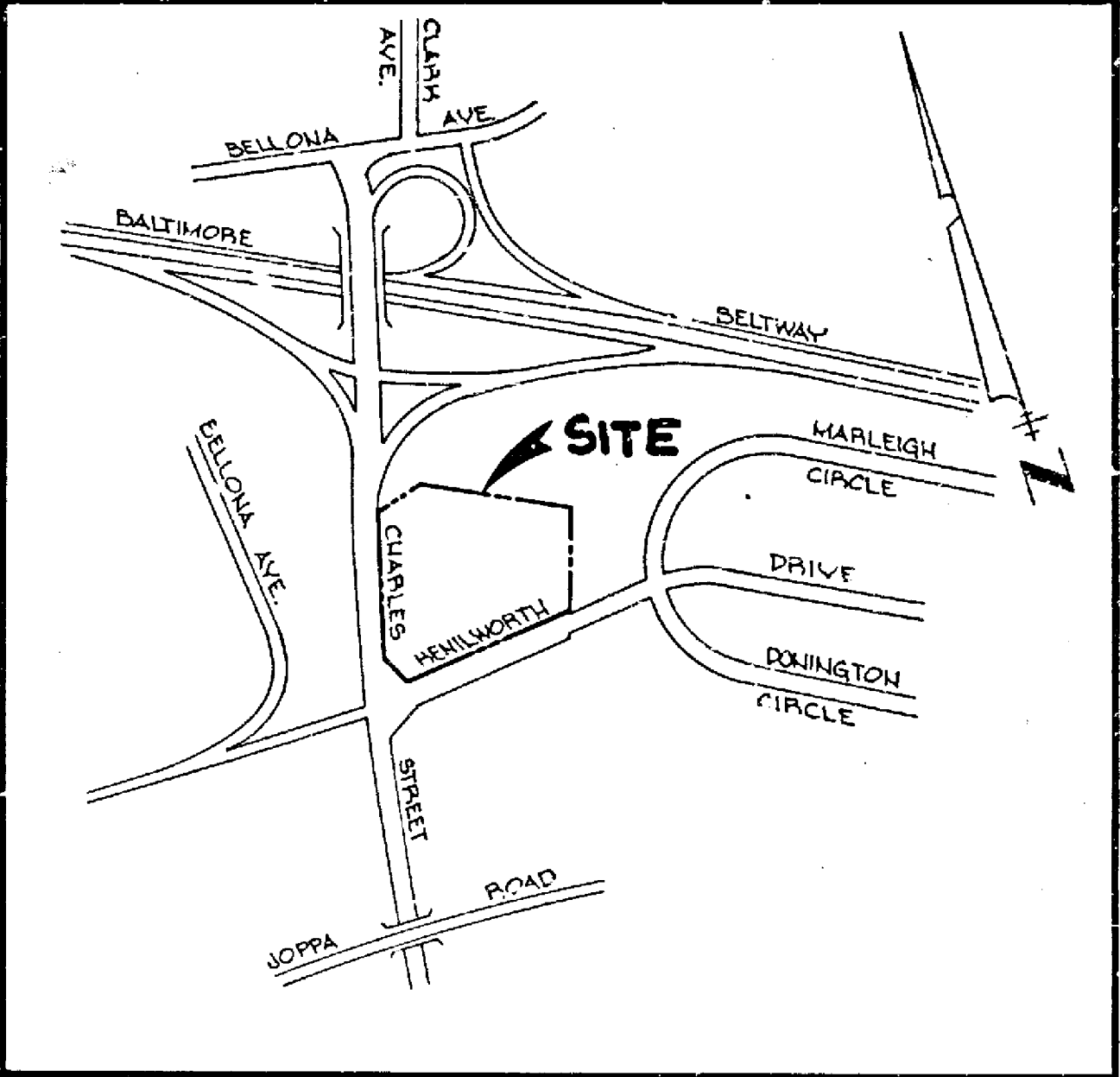
5749

5749





NOTE:  
THE DEVELOPER RESERVES THE RIGHT TO CHANGE THE SHAPE OF THE PROPOSED BLDG. SHOWN HEREIN FOR ASTHETIC AND/OR EFFICIENCY OF DESIGN CONSIDERATIONS ONLY. THE DEVELOPER WILL NOT INCREASE THE SQUARE FOOT AREA OR CHANGE THE OVER-ALL LOCATION OF THE BUILDING SHOWN HEREON.



LOCATION MAP  
SCALE: 1"=500'

### GENERAL NOTES

1. Applicant: Owner: John Warley Strickland (Trustee), Mary Strickland Johnson (Trustee), and John L. Strickland (Individually)
2. Contract Purchaser: The Berkshire Corporation
3. Area of Property: 5.715 Ac. +/- or 252,430 Sq. Ft. +/-
4. Existing Zoning: DR 16
5. Existing Use: Residential
6. Proposed Zoning: DR 16 With Special Exception For Offices (BC ZR Sect. 1-802-1)
7. Proposed Use: 5 Story Office Bldg. & Ancillary Commercial (8% of total floor area as limited by covenants with Riderwood Hills Community Association).
8. Total Proposed Gross Floor Area: 94,000 sq ft (18,800 sq ft per floor)  
Net Leasable Area: 80,000 sq ft (16,000 sq ft per floor average).  
Gross Area Ancillary Commercial: 7,520 sq ft
9. Parking Calculations:  
1st Floor Office: 11,280 sq ft = 11,280 - 300 = 38  
1st Floor Ancillary Comm = 7,520 sq ft = 38  
2nd thru 5th Floor Offices = 75,200 - 500 = 151
10. Total Number of Parking Spaces Required = 38 + 38 + 151 = 227 (229 H.C. Spaces)
11. Total Number of Parking Spaces Provided = 320 (318 Min. (29 H.C. Spcs. - 12 x 18 Min.))
12. If Medical Offices are to be located on the upper floors, parking must be provided at the rate of 1 Space per 305 sq ft.
13. Paving in Parking Lot to be Bituminous Concrete.
14. All existing Buildings and Structures to be Razed.
15. Lighting to be installed so as to reflect light away from adjacent Residential Properties.

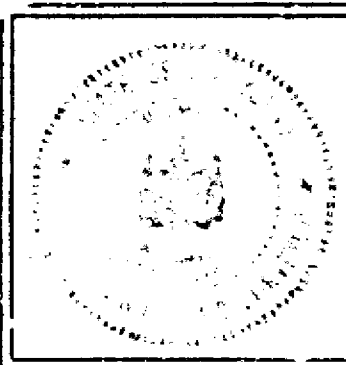
PLAT TO ACCOMPANY PETITION FOR  
SPECIAL EXCEPTION FOR AN OFFICE BUILDING  
IN A DR 16 ZONE

THE STRICKLAND PROP.

9TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

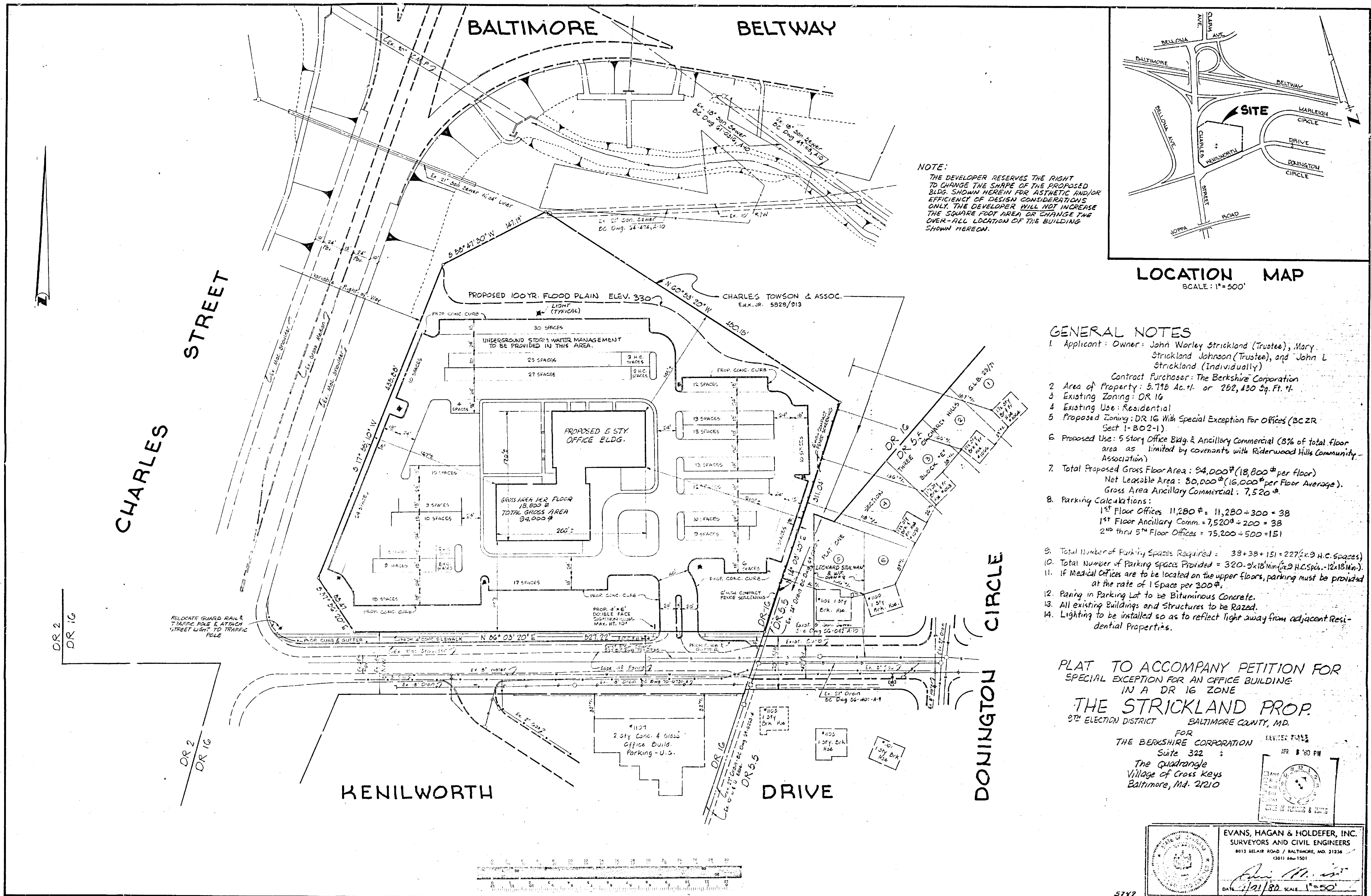
FOR  
THE BERKSHIRE CORPORATION  
Suite 322  
The Quadrangle  
Village of Cross Keys  
Baltimore, Md. 21210

PETITIONER'S  
EXHIBIT 4



EVANS, HAGAN & HOLDEFER, INC.  
SURVEYORS AND CIVIL ENGINEERS  
2513 BELAIR ROAD / BALTIMORE, MD. 21236  
13011 668-1501  
DATE: 1/21/80 SCALE: 1"=50'





A hand-drawn map of the area around the 'SITE' in Newburgh, NY. The map shows several streets: BELLONA AVE, CLARK AVE, BALTIMORE, BELTWAY, MARLEIGH CIRCLE, DRIVE, DOUGLINGTON CIRCLE, and JOPPA ROAD. A rectangular area labeled 'SITE' with an arrow pointing to it is situated near the intersection of CLARK AVE and BELTWAY. The area is also labeled 'NEWBURGH' and 'NY'.

LOCATION MAP  
SCALE: 1"=500'

## GENERAL NOTES

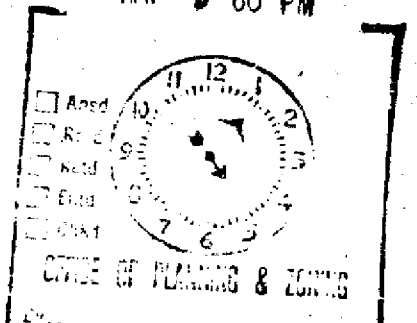
1. Applicant: Owner: John Worley Strickland (Trustee), Mary Strickland Johnson (Trustee), and John L Strickland (Individually)  
Contract Purchaser: The Berkshire Corporation
2. Area of Property: 5.715 Ac. +/- or 252,130 Sq. Ft. +/-
3. Existing Zoning: DR 16
4. Existing Use: Residential
5. Proposed Zoning: DR 16 With Special Exception For Offices (BCZR Sect 1-B02-1)
6. Proposed Use: 5 Story Office Bldg. & Ancillary Commercial (8% of total floor area as limited by covenants with Riderwood Hills Community Association)
7. Total Proposed Gross Floor Area: 84,000<sup>±</sup> (18,800<sup>±</sup> per floor)  
Net Leasable Area: 80,000<sup>±</sup> (16,000<sup>±</sup> per Floor Average).  
Gross Area Ancillary Commercial: 7,520<sup>±</sup>
8. Parking Calculations:  
1<sup>ST</sup> Floor Offices 11,280<sup>±</sup> =  $11,280 \div 300 = 38$   
1<sup>ST</sup> Floor Ancillary Comm. =  $7,520 \div 200 = 38$   
2<sup>ND</sup> thru 5<sup>TH</sup> Floor Offices =  $75,200 \div 500 = 151$
9. Total Number of Parking Spaces Required =  $38 + 38 + 151 = 227$  (x 9 H.C. Spaces)
10. Total Number of Parking Spaces Provided =  $320 - 9 \times 18' \text{ Min. (x 9 H.C. Spis. - 12 x 18' Min.)}$
11. If Medical Offices are to be located on the upper floors, parking must be provided at the rate of 1 Space per 300<sup>±</sup>.
12. Paving in Parking Lot to be Bituminous Concrete.
13. All existing Buildings and Structures to be Razed.
14. Lighting to be installed so as to reflect light away from adjacent Residential Properties.

PLAT TO ACCOMPANY PETITION FOR  
SPECIAL EXCEPTION FOR AN OFFICE BUILDING  
IN A DR 16 ZONE

THE STRICKLAND PROP.

9TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

FOR  
THE BERKSHIRE CORPORATION  
Suite 322  
The Quadrangle  
Village of Cross Keys  
Baltimore, Md. 21210



**EVANS, HAGAN & HOLDEFER, INC.**  
SURVEYORS AND CIVIL ENGINEERS  
8013 BELAIR ROAD / BALTIMORE, MD. 21236  
(301) 566-1501

DATE 1/21/80 SCALE 1"=50'